

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11562 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- SILAO District- Nalanda

1. Mukesh Yadav S/O Raj Kumar Yadav Resident Of Village- Kamdarganj, P.S.- Silao, District- Nalanda.
2. Praduman Yadav @ Praduman Kumar Yadav S/O Raj Kishor Yadav Resident Of Village- Kamdarganj, P.S.- Silao, District- Nalanda.
3. Tuntun Yadav S/O Late Devi Yadav Resident Of Village- Kamdarganj, P.S.- Silao, District- Nalanda.
4. Dharmendra Yadav S/O Late Devi Yadav Resident Of Village- Kamdarganj, P.S.- Silao, District- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379 and 307/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioner nos.1, 3 and 4 are persons with clean antecedent and petitioner no.2 has antecedent of two cases and the informant alleges that when his father had gone for milking cow



and had reached near Aanganbari Kendra, the accused persons including the petitioners on account of previous enmity surrounded him and Raj Kishore Yadav gave orders to kill on which, it is alleged that Nitish Kumar assaulted with lathi causing injury on left hand of the father of the informant. Mukesh Yadav, Dharmendra Yadav and Tuntun Yadav assaulted his father fracturing both his hands. It is next alleged that accused persons fled from the place of occurrence after throwing him in the field thinking that he had died and even stole Rs.5,000/- from the victim.

The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that against the petitioners, allegation is of causing fracture of both his hands. It is next submitted that no reason or motive has been assigned for the occurrence rather it is alleged that on account of previous enmity, the present occurrence took place. It is next submitted that from the side of the petitioners also, Silao P. S. Case No.85 of 2021 has been registered against the informant and other accused persons. It is next submitted that from the side of the petitioners also, persons have received injuries. It is next submitted that though it is alleged that petitioners assaulted the father of the informant causing fracture



of hands, but from perusal of the allegation as alleged, it would manifest that the informant does not specifically allege as to who assaulted by what. It is next submitted that even presuming what has been alleged is true without admitting for the purposes of bail, then also the injury is on non-vital part of the body.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Silao P. S. Case No.82 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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