

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15783 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- NARDIGANJ District- Nawada

1. ANIL YADAV @ KARU YADAV Son of Late Suresh Yadav Resident of Village - Paraiya, P.s.- Nardiganj, Distt.- Nawada.
2. Shushil Yadav @ Shushil Kumar Son of Sunil Yadav Resident of Village - Paraiya, P.s.- Nardiganj, Distt.- Nawada.
3. Govardhan Yadav Son of Late Saudagar Yadav Resident of Village - Paraiya, P.s.- Nardiganj, Distt.- Nawada.
4. Rukmini Devi W/o Sunil Yadav Resident of Village - Paraiya, P.s.- Nardiganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has been arrested during pendency of this application.



Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard for consideration of anticipatory bail on behalf of petitioner nos.2 to 4.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 448, 354, 379 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners entered into the house of the informant and with an intention to kill, one Sunil Yadav fired upon the wife of informant. Thereafter, they indiscriminately assaulted the informant's side by means of various weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the parties are agnates and there is an admitted land dispute between them. The injuries are simple in nature and one opinion regarding



injury is reserved. Petitioners have criminal antecedent, as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is land dispute between the parties, let the above named petitioner nos.2 to 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Nardiganj P.S. Case No.70 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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