

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17928 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. ARJUN SINGH @ ARJUN YADAV S/o Late Tulsi Singh @ Tulshi Yadav Resident of Village- Kamalpur, P.S.- Neemchak Bathani, District- Gaya.
2. YADUNANDAN KUMAR @ YADUNANDAN YADAV @ YADUNANDAN KUMAR SINHA Son of Arjun Singh @ Arjun Yadav Resident of Village- Kamalpur, P.S.- Neemchak Bathani, District- Gaya.
3. SHYAM KANT KUMAR @ SHYAM KANT YADAV Son of Arjun Singh @ Arjun Yadav Resident of Village- Kamalpur, P.S.- Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Durgesh Nandan, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP
For the Informant	:	Mr. Amresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 307, 379, 506 and 34 of the Indian Penal Code.

The informant alleges that on 09.01.2022 at 9:45 a.m. when informant was at his land with his brother, Shyam Kant Yadav (petitioner no.3) came and started abusing on which informant protested when it is alleged that four other accused persons, including petitioner no.1 and 2, came variously armed



and further assaulted the informant and his brother with rod, *khanti* and sticks and injured them, it is next alleged that petitioner no.3 took Rs. 2,000/- from informant's pocket and Vidya Bhushan Yadav took golden chain from informant's brother and when villagers gathered, the accused persons fled away.

Learned counsel for the petitioners submits that the petitioner no. 2 is a person with clean antecedent whereas petitioner nos. 1 and 3 have antecedent of one case, further they have been falsely implicated in the present case and from perusal of the allegations as alleged in the F.I.R. it would manifest that the allegation of assault is general and omnibus in nature i.e., no specific overt act of assault has been alleged against anyone. Learned counsel submits that the injury suffered by the injured on the vital part of the body i.e., on head is simple in nature and one of the injuries on non-vital part of the body is grievous which amply demonstrates that the accused persons did not had any intention of committing a serious occurrence rather in the heat of the moment, the occurrence took place as there was dispute with respect to passage for which a written application was also given to the learned Magistrate on 09.01.2022 which was seen by the Magistrate on 27.01.2022 as



has been pleaded at paragraph '8' of the anticipatory bail application.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to rebut the submissions of the learned counsel for the petitioners that allegation of assault is general and omnibus in nature and grievous injury has not been caused on the vital part of the body of the injured.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Neemchak Bathani P.S. Case No. 4 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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