

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33354 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- NAUTAN District- West Champaran

1. BIRBAL YADAV Son of Shivdeni Yadav Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran.
2. Saheb Yadav Son of Shivdeni Yadav Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran.
3. Supahi Yadav Son of Shivdeni Yadav Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran.
4. Hira Yadav @ Vira Yadav Son of Shivdeni Yadav Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran.
5. Shambhu Yadav Son of Shivnath Yadav Resident of Village- Bariyarpur, P.S.- Nautan, District- West Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in Nautan P.S. case No.471 of 2020 registered for the offences punishable



under Sections 341, 323, 325, 307, 379, 504 & 506 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, West Champaran at Bettiah.

The prosecution case, in brief, is that while the Birbal Yadav was grazing cane crop with 10-12 cattle of the informant, Ramyash Yadav was bringing cattle to his house, all the accused persons came with lathi, danda and started assaulting. Birbal gave lathi blow on the head of Ramyash Yadav. He also snatched golden chain. Sheodeni gave lathi blow on the head which got fractured, Saheb Yadav took Rs.2000/- and cattles.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. As a matter of fact, there is a land dispute between the parties and due to which the aforesaid scuffle took place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature and injuries sustained



by the victim are grievous in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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