

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24475 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- LAXMIPUR District- Jamui

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1. Surendra Yadav, Son Of Late Bhojal Yadav Resident Of Village - Sewa, P.S.- Gidhaur, Distt.- Jamui.
 2. Bhagirath Yadav, Son Of Devi Yadav Resident Of Village - Sewa, P.S.- Gidhaur, Distt.- Jamui.
 3. Praveen Kumar, Son Of Surendra Yadav Resident Of Village - Sewa, P.S.- Gidhaur, Distt.- Jamui.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Sinha
For the Opposite Party/s :	Mr. Ajit Kumar
	Mr. Sourendra Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 The learned counsel for the petitioners at the outset seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioner nos.2 and 3 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 504/ 34 of the Indian Penal



Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a senior citizen and petitioner no.3 is a young boy aged about 19 years and the informant alleges that he was restrained by the son of Surendra Yadav (Praveen Kumar) when he was going to his field. Further alleges that when he came back home, he went to the house of Surendra Yadav to make complaint when accused persons including the petitioners assaulted the informant, his uncle and aunt due to which, his uncle and aunt received injuries and injury of the uncle is opined to be grievous.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is next submitted that even presuming what has been alleged to be true without admitting for the purposes of anticipatory bail, then the injury though is grievous and initially there was scuffle between the petitioner no.3 and the informant and thereafter, the informant along with his family members went to the house of the petitioners where



the occurrence took place. The learned counsel further submits that from the side of the petitioners also, Gidhaur P. S. Case No.27 of 2022 was instituted by the wife of the petitioner no.2 wherein it is alleged that the informant along with his family members had come to their house and started assaulting the son of Surendra Yadav and assaulted him by *khanti* on his head causing injury. The learned counsel next submits that admittedly, the petitioner no.2 is senior citizen and petitioner no.3 is young boy admittedly they are not a criminal and the occurrence took place on account of land dispute. It is also submitted that a person, who has remained a person with clean antecedent for 60 years, all of a sudden, is levelled as a criminal. It is also submitted that if the petitioner no.3 is sent to judicial custody, his entire career would be jeopardized as he is a student.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submission of the learned counsel for the petitioners that the allegation of assault is general and omnibus and no specific overt act has been alleged against the petitioners and that it was the informant, who along with his family members had gone to the house of the



petitioners for complaining as alleged in the F.I.R. where the occurrence took place.

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 Laxmipur/ Gidhaur P. S. Case No.26 of 2022, 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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