

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30571 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- BENIPATTI District- Madhubani

1. JAGESHWAR YADAV S/o Munsif Yadav R/o Village- Chahuta, P.S.- Benipatti, District- Madhubani
2. Nageshwar Yadav S/o Munsif Yadav R/o Village- Chahuta, P.S.- Benipatti, District- Madhubani
3. Sideshwar Yadav S/o Munsif Yadav R/o Village- Chahuta, P.S.- Benipatti, District- Madhubani
4. Naresh Yadav @ Naresh Kumar S/o Munsif Yadav R/o Village- Chahuta, P.S.- Benipatti, District- Madhubani
5. Pappu Yadav S/o Heeralal Yadav R/o Village- Chahuta, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Udeshya Kumar Yadav, Advocate Mr.Gagandeo Yadav, Advocate Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners and Shri Chandra Bhushan Prasad, learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1.

Permission is accorded.

The petitioner nos. 2, 3, 4 and 5 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 307, 379, 504 and 506 of the Indian Penal



Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have antecedent of two cases and the informant alleges that on 29.11.2021, the petitioner came at the election booth during *panchayat* election and Jageshwar Yadav fired causing injury on leg of the informant, thereafter it is alleged that petitioner no.4 assaulted Mahendra Ram with *farsa* causing injury.

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 F.I.R. it would manifest that firing was made by Jageshwar Yadav causing injury on the leg of the informant, it is also submitted that no specific overt act of assault has been alleged against petitioner nos. 2, 3 and 5. Learned counsel further submits that though there is an allegation of assault against petitioner no.4 of causing injury by *farsa* on Mahendra ram but then the F.I.R. does not disclose what kind of injury was suffered by Mahendra Ram, it is also submitted that from perusal of the impugned order it would also manifest that even the Doctors have opined only with respect to firearm injuries suffered by the informant, it is next submitted that it appears that Mahendra Ram was not injured as such a



general and omnibus allegation of assault was alleged or else the order impugned would have recorded about injury of Mahendra Ram.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4 and 5, 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 Benipatti P.S. Case No. 254 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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