

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41897 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- KAMTAUL District- Darbhanga

1. NAND NIHORA YADAV Son of Late Gujar Yadav Resident of Village- Khajurwara, P.S.- Kamtaul, District- Darbhanga.
2. RAM NIHORA YADAV Son of Late Gujar Yadav Resident of Village- Khajurwara, P.S.- Kamtaul, District- Darbhanga.
3. KAILASH KUMAR RAY Son of Sri Nand Nihora Yadav @ Nand Nihora Ray Resident of Village- Khajurwara, P.S.- Kamtaul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms.Vaishnavi Singh, Adv.
For the Opposite Party/s :	Mr.Mohammad Sufyan, APP
	Mr.Sanjay Kumar @ S.K., Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners, learned counsel for the informant 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 on behalf of the petitioner no.3, as he has already been arrested by the police, 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the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.3 is dismissed as withdrawn.

Now, the present application is being heard for consideration of anticipatory bail of petitioner nos.1 and 2.

The petitioner nos.1 and 2 apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 324, 325, 307, 379, 504, 506 of the IPC.

The allegation against the petitioners is that they along with other accused persons with an intention to kill have indiscriminately assaulted the informant by means of various deadly weapons and assuming him dead, threw him in the wheat field. When the informant's wife tried to intervene, they threatened her and snatched her jewellery.

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. Only allegation against the petitioner no.1 is that he is the order giver and against the



petitioner no.2 is that he caught hold of the informant/deceased. There is an admitted land dispute between the parties. Petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioner nos.1 and 2, 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 Kamtaul P.S. Case No.40 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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