

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33646 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- DHURAIYA District- Banka

1. GAUTAM YADAV @ GAUTAM KUMAR SON OF RAJENDRA YADAV
RESIDENT OF VILLAGE- BAIDPUR, POLICE STATION DHORAIYA,
DISTRICT BANKA
2. MANOJ YADAV SON OF LATE MOTI YADAV RESIDENT OF
VILLAGE- BAIDPUR, POLICE STATION DHORAIYA, DISTRICT
BANKA
3. RAJENDRA YADAV SON OF LATE MOTI YADAV RESIDENT OF
VILLAGE- BAIDPUR, POLICE STATION DHORAIYA, DISTRICT
BANKA
4. UPENDRA YADAV SON OF KOKO YADAV RESIDENT OF VILLAGE-
BAIDPUR, POLICE STATION DHORAIYA, DISTRICT BANKA
5. RAKESH KUMAR RESIDENT OF VILLAGE- BAIDPUR, POLICE
STATION DHORAIYA, DISTRICT BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2022 Heard the parties.

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.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 147, 149, 323, 307, 504, 506/34 of the IPC.



Allegedly, the petitioners broke into the house of the informant and assaulted him and his sister-in-law with several weapons. It is further alleged that during the assault petitioner no. 2 and 4 caught hold the sister-in-law of the informant and one Vijay Yadav gave Khanti blow on her head due to which she sustained injury. It is also alleged that when the informant came to save his sister-in-law, petitioner no.1 assaulted him by means of iron rod.

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 petitioner is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. In the alleged occurrence, both sides sustained injuries and the injuries are simple in nature. There is specific overt act against the co-accused Vijay Yadav who assaulted the sister-in-law of the informant due to which she sustained grievous injury. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

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



Having regard to the facts and circumstances of the case, since the injuries are simple in nature against the informant, let the above named petitioners 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 DhoraiyaP.S. Case No.63 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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