

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35951 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- JAMUI District- Jamui

1. UMESH YADAV S/o Thakuri Yadav R/o Vill- Daulatpur, P.s. and Dist.- Jamui.
2. Nitish Yadav S/o Bhupal yadav R/o Vill- Daulatpur, P.s. and Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pankaj Kumar Sinha
For the Opposite Party/s :	Mr.Achal Kumar Sinha
	Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 325, 307, 504, 34 of the IPC.

Allegedly, all the FIR named accused persons including the petitioners are said to have indiscriminately assaulted the informant's side by means of various weapons.

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 due to ulterior



motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is submitted that the alleged occurrence took place on 14.08.2021 but FIR was lodged on 19.08.2021 i.e. after a delay of five days without giving any plausible explanation. It is further submitted that Umesh Yadav is alleged to have assaulted on the head of Subodh Yadav by means of tangi and Nitish Yadav is said to have assaulted Teter Yadav, whose injuries are though grievous in nature but not on vital part of the body. Petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail but fairly submitted that there is specific overt act against Nitish Kumar to assault Teter Yadav whose injury is grievous in nature.

Considering that the injuries of Teter Yadav is grievous in nature, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

However, considering that the injuries inflicted by petitioner no.1 upon Subodh Yadav is simple in nature, I am



inclined to enlarge him on anticipatory bail.

Accordingly, let the above named petitioner no.1, be released on bail, in the event of his 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) 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 Jamui P.S. Case No.349 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This application is partly allowed.

(Anjani Kumar Sharan, J)

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