

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35756 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- JHAJHA District- Jamui

1. Pankaj Yadav, Son Of Dilo Yadav R/O Village- Katahara, P.S.- Jhajha, District- Jamui
2. Delo Yadav, Son Of Late Bito Yadav R/O Village- Katahara, P.S.- Jhajha, District- Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha- Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 302, 452, 504, 506 and 427 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 26.06.2021, the accused persons including the petitioners came variously armed at her home and thereafter took her husband outside the house and Sitaram Yadav assaulted her husband on head with tangi due to which he fell down when Rameshwar Yadav assaulted him with an iron Sabal on ribs and



body, thereafter Vijay and Guddu assaulted her husband with an axe on private parts and with iron rod on hand causing fracture of the hand. It is next alleged that Lalan Yadav assaulted him with hammer on his chest resulting in his immediate death and thereafter it is alleged that all the other accused persons assaulted her husband with rod, farsa, sword and even damaged the under construction house causing loss of nearly Rs. 3 lakh.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case, from bare perusal of the allegation as alleged in the FIR it would manifest that specific allegation of assault is attributed to the named accused persons. Learned counsel next submits that the allegations against the petitioners are general and omnibus in nature i.e., no specific allegation of assault is attributed against them, it is next submitted that it also does not stand to reason that how the informant gave such specific details of assault with such precision when her husband was being assaulted. It is also submitted that similarly situated co-accused Mithan Yadav @ Mithun Yadav and Santosh Yadav have been granted anticipatory bail by order dated 13.07.2022 in Cr. Misc. No.60418 of 2021

The learned A.P.P. for the State opposed the prayer for



anticipatory bail of the petitioners.

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, 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 Jhajha P.S. Case No. 193 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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