

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36454 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. Pappu Yadav @ Pappu Kumar @ Abhay Kumar Son Of Manejar Yadav R/O Village- Bherwaniya, P.S.- Bhagwanpur Hat, District- Siwan
2. Rahul Kumar @ Rahul Yadav Son Of Manejar Yadav R/O Village- Bherwaniya, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 326, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that on 12.02.2022, informant's son went for feast to the house of Alok Sharma where Dhananjay, Pappu (petitioner no.1) and Rahul (petitioner no.2) also had come for feasting and there an altercation took place and while returning Sujit and petitioners caught hand of his son and Dhananjay stabbed him



causing injury on abdomen, it is further alleged that Sujit snatched Rs. 15,000/- from his son, thereafter injured was brought to government hospital from where he was referred to Sadar Hospital, Siwan.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and from perusal of the FIR it would manifest that the same is based on written application of the informant, it is further submitted that if what has been alleged in the FIR is true and the injured was taken to the hospital then his *fardbeyan* ought to have been recorded at the hospital itself or the hospital would have informed the police about such an occurrence but since the FIR is based on a written application of the informant that creates doubt with regard to the veracity of the allegation, it is next submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail application then petitioners are not alleged to have assaulted the injured.

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 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. 20,000/- (Rupees Twenty 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 Bhagwanpur Hat P.S. Case No. 42 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioners shall be their father.

(Satyavrat Verma, J)

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