

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37388 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- RAJNAGAR District- Madhubani

1. KISHUN YADAV Son of Late Asharfi Yadav Resident of Village-Dhibahi, P.S.-Rajnagar, District-Madhubani.
2. Kari Yadav @ Shiv Kumar @ Shiv Yadav Son of Kishun Yadav Resident of Village-Dhibahi, P.S.-Rajnagar, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Murari Narain Chaudhary
For the Opposite Party/s :	Ms.Kusum Rani
	Md.Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 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 308, 323, 324, 341 and 379/34 of the IPC.

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

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. Allegation against the petitioners is of assaulting the informant by means of lathi but the injuries are simple in nature. No incriminating article has been recovered from the conscious physical possession of the petitioners. The alleged occurrence is said to have taken place on 22.11.2021 but the F.I.R. was lodged on 25.11.2021 i.e. after a delay of three days and absence of any plausible explanation regarding the delay creates serious doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is case and counter-case between the parties, 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 connection with
Rajnagar P.S. Case No.331 of 2021/ G.R. No.2044 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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