

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48277 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- BATH District- Bhagalpur

1. SHATRUDHAN YADAV @ SHATRUGHAN KUMAR YADAV Son of Dhuri Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.
2. Tunni Yadav @ Tunni Lal Yadav Son of Dhuri Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.
3. Santosh Yadav @ Santosh Kumar @ Santosh Kumar Yadav Son of Dhuri Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.
4. Shyam Sundar Yadav Son of Dhuri Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.
5. Pankaj Yadav S/O - O.P. Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.
6. Chhotu Kumar S/o Bechan Yadav Resident of Halkarachak, P.S. - Bath, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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 Sections 147, 148, 149, 448,



341, 323, 379, 307, 354B, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

The allegation against the petitioners is of assaulting the informant's side indiscriminately by means of lathi, danda, pistol. They also took away valuable articles from the house of the informant.

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. There is an admitted land dispute between the parties for which a Civil Suit Case No.318/2016 is pending in the Court of Subordinate Judge, Bhagalpur. For the alleged occurrence, there is a case and counter-case between the parties. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegations against the petitioners and the injuries sustained by the informant's side are grievous in nature.

Having regard to the facts and circumstances of the case, since the injuries sustained by the informant's side are grievous



in nature, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above. The prayer for grant of anticipatory bail to the petitioners is rejected.

Accordingly, this application is dismissed.

However, petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, without being prejudiced of the dismissal of this application and considering that there is a land dispute between the parties.

(Anjani Kumar Sharan, J)

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