

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43396 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- SABAUR District- Bhagalpur

1. FANI GOPAL YADAV Son of Late Sukdeo Prasad Yadav Resident of Village - Goradih, P.S.- Sabour, District - Bhagalpur.
2. Kalpna Devi Wife of Fani Gopal Yadav Resident of Village - Goradih, P.S.- Sabour, District - Bhagalpur.
3. Birendra Yadav @ Birendra Kumar Son of Fani Gopal Yadav Resident of Village - Goradih, P.S.- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 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 147, 341, 323, 307, 379, 447, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.2 is a woman and the informant alleges that on account of dispute relating to land, the accused persons, including the petitioners, abused and assaulted one Shipak by *khanti* and snatched his chain and when the informant intervened, he was also assaulted



and his chain was snatched, further when his brother Kuber came to save him, he was assaulted on account of which he received injury on his nose.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, informant and petitioner no. 1 are own brother, it is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that the allegation of assault is general and omnibus in nature and from the side of the petitioners Sabour (Goradih) P.S. Case No. 301 of 2021 was instituted. Learned counsel further submits that another case being Sabour (Goradih) P.S. Case No. 99 of 2008 was instituted in which trial is going on against the informant and other accused persons. Learned counsel for the petitioner very fairly submits that no doubt one of the injuries suffered by the injured is grievous in nature but then the same is not on vital part of the body nor the FIR alleges that as to who assaulted the injured causing grievous injury.

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. 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 Sabour (Goradih) P.S. Case No. 302 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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