

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55949 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- AMARPUR District- Banka

1. Lavkush Yadav @ Lavkush Kumar S/O Sukhdeo Yadav Resident Of Village- Gaurai, P.S.- Amarpur Fullidumar, District- Banka
2. Suryanarayan Yadav @ Sujani Yadav S/O Sukhdeo Yadav Resident Of Village- Gaurai, P.S.- Amarpur Fullidumar, District- Banka
3. Ghunghali Uadav S/O Sukhdeo Yadav Resident Of Village- Gaurai, P.S.- Amarpur Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2022 Heard learned counsel for the petitioners and Shri Upendra Kumar, learned A.P.P. for the State.

The petitioners seek bail in connection with Amarpur (Fullidumar) P.S. Case No. 333 of 2020 instituted for the offences under Sections 341, 323, 308, 354, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 03.08.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the



informant in the F.I.R. alleges that due to quarrel between the children, the petitioners along with named accused persons came to the house of the informant armed with *lathi*, and *khanti* and assaulted the informant and his wife causing bleeding injury on their head, thereafter the other named accused persons assaulted the informant with *lathi* and Sanjay Yadav snatched golden chain from the neck of the informant's wife.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence took place on account of a quarrel between the children, the petitioners are persons with clean antecedent and are not criminals and merely because there was a quarrel between the children, the occurrence took place. Learned counsel submits that from allegation it would appear that the blow was not repeated though the injury no. 2 on the informant is said to be grievous and as far as injury on Rinku Devi is concerned, that is reserved. Learned counsel thus submits that the informant and his wife are hail and hearty and the allegation of assault in the F.I.R. is not specific rather the allegation with regard to assault is general and omnibus in nature.

Learned A.P.P. for the State vehemently opposes the



prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 03.08.2021, are persons with clean antecedent, charge-sheet has been submitted in the case and the allegation of assault is not specific, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 333 of 2020.

(Satyavrat Verma, J)

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