

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47078 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- BALIYA District- Begusarai

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1. SURESH YADAV @ SURESH YADAV Son of Late Harkhit Yadav R/V- Hussainichak, P.S- Ballia, Dist- Begusarai
 2. Moti Yadav Son of Suresh Yadav R/V- Hussainichak, P.S- Ballia, Dist- Begusarai
 3. Vikash Yadav @ Visheshwar Yadav Son of Suresh Yadav R/V- Hussainichak, P.S- Ballia, Dist- Begusarai
 4. Harinder Kumar Son of Motilal Yadav R/V- Hussainichak, P.S- Ballia, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.1 and 4 as they have already been arrested during the pendency of this application.

Permission is granted.

The instant application as against petitioner no.1 and 4 stands dismissed as withdrawn.



Now, this application survives for petitioner nos. 2 and 3 only.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 379, 354, 504, 34 of the Indian Penal Code.

Allegedly, the petitioners in association with other co-accused persons assaulted the informant and his wife by means of several weapons due to which they sustained injuries.

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 levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioners and the informant are own agnates. The specific allegation is against the petitioner no.1 to assault the wife of the informant by means of iron rod. He further submits that the injuries are simple in nature. Petitioners have no criminal antecedent.

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

Having regard to the facts and circumstances of the case,



since the injuries are simple in nature, let the above named petitioner no.2 and 3, 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 Ballia P.S. Case No.66 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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