

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59769 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- KHAJAULI District- Madhubani

1. SAKALDEV YADAV Son of Rajeev Yadav Resident of Village - Behata, P.s.- Khajouli, Distt.- Madhubani.
2. JITENDRA KUMAR @ JITENDRA KUMAR YADAV Son of Tapsi Yadav Resident of Village - Behata, P.s.- Khajouli, Distt.- Madhubani.
3. PRADEEP KUMAR YADAV @ PRADEEP YADAV Son of Vishundev Yadav Resident of Village - Behata, P.s.- Khajouli, Distt.- Madhubani.
4. PRAVIN KUMAR YADAV @ PRAVIN YADAV Son of Late Kapildeo Yadav Resident of Village - Behata, P.s.- Khajouli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur
For the Opposite Party/s : Mrs.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-11-2022 Anticipatory bail petition of petitioner No.2 has already been dismissed as withdrawn vide order dated 12.09.2022.

Heard learned counsel for the petitioners and the State.

Petitioners No. 1, 3 and 4 apprehend their arrest in a case registered for the offence punishable under Section 307, 354(B), 379 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, petitioner No.1, Sakaldev



Yadav is alleged to have assaulted Yugal Kishore Yadav with Tengari but there is no injury report. Pradeep Yadav, petitioner No.3, assaulted Vijay Yadav with Farsa on his head. Petitioner No.4, Pravin Yadav, assaulted Nandi Yadav with Tengari but there is no injury report.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that the occurrence took place on account of land dispute. Although there is allegation of assault against petitioner No.1 and 4 that they assaulted Yugal Kishore Yadav and Nandi Yadav but there is no injury report as such the allegation of assault is falsified. It is next submitted that though there is allegation of causing grievous injury against petitioner No.3, Pradeep Yadav, but the injury is caused by hard and blunt object and the same is not on vital part of body.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail and submitted that petitioners are named in the FIR and they petitioners committed the offence in order to withdraw the case filed by the informant earlier against the accused persons. The injury caused by petitioner No.3, Pradeep Yadav, has been found to be grievous in nature.



Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner No.3, Pradeep Kumar Yadav on anticipatory bail. Accordingly, the same is rejected.

Considering the facts of the case, let the petitioners No. 1 and 4, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st class, Madhubani in connection with Khajouli PS case No.04/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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