

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60418 of 2021**

Arising Out of PS. Case No.-193 Year-2021 Thana- JHAJHA District- Jamui

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1. MITHAN YADAV @ MITHUN YADAV S/o Kuldeep Yadav R/o village- Katahara, Tarh, P.S.- Jhajha, District- Jamui
 2. SANTOSH YADAV S/O KULDEEP YADAV R/o village- Katahara, Tarh, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant's	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 302, 452, 504, 506 and 427 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no. 2 is a person with clean antecedent and petitioner no. 1 has antecedent of one case and for which a supplementary affidavit has been filed and the informant alleges that on 26.06.2021, the accused persons including the petitioners came variously armed at her home and thereafter took her husband outside the house and Sitaram Yadav assaulted her husband on



head with *tangi* due to which he fell down when Rameshwar Yadav assaulted him with an iron Sabal on ribs and body, thereafter Vijay and Guddu assaulted her husband with an axe on private parts and with iron rod on hand causing fracture of the hand. It is next alleged that Lalan Yadav assaulted him with hammer on his chest resulting in his immediate death and thereafter it is alleged that all the other accused persons assaulted her husband with rod, *farsa*, sword and even damaged the under construction house causing loss of nearly Rs. 3 lakh.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case, from bare perusal of the allegation as alleged in the FIR it would manifest that specific allegation of assault is attributed to the named accused persons. Learned counsel next submits that the allegations against the petitioners are general and omnibus in nature i.e., no specific allegation of assault is attributed against them, it is next submitted that it also does not stand to reason that how the informant gave such specific details of assault with such precision when her husband was being assaulted.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the



petitioners but are not able to meet the submissions of the learned counsel for the petitioners that petitioners are not alleged to have assaulted the deceased nor there is any specific allegation of any overt act against them.

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 Jhajha P.S. Case No. 193 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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