

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9263 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- SAHPUR District- Bhojpur

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1. ASHOK NATH YADAV @ ASHOK YADAV Son of - Resident of Village- Tetariya, P.S.- Shahpur, Distt- Bhojpur.
 2. SURESH YADAV S/o Bikhari Yadav Resident of Village- Tetariya, P.S.- Shahpur, Distt- Bhojpur.
 3. UPENDRA YADAV S/o Raj Kishor Yadav Resident of Village- Tetariya, P.S.- Shahpur, Distt- Bhojpur.
 4. PASHURAM YADAV S/o Late Kishun Yadav Resident of Village- Tetariya, P.S.- Shahpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha
For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2022 At the outset it is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner nos 2 and 3.

Now learned counsel for the petitioner is pressing this application only against petitioner nos. 1 and 4.

This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned



APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Shahpur P.S. Case no. 228 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 354, 325, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, when the informant along with his sons were in his village near public boring, some accused persons including the petitioners came there armed with lathi and rod and started to assault the informant and his sons resulting into several injuries.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Specific allegation of assault is against accused Suresh Yadav and Upendra Yadav and not against petitioner nos. 1 and 4. Ashok Yadav has not assaulted to any one and Pashuram Yadav has opened air-firing, which caused no injury.



Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners nos. 1 and 4 on bail. The petitioner nos. 1 and 4 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Shahpur P.S. Case no. 228 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge X, Bhojpur, Ara subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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