

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69122 of 2021

Arising Out of PS. Case No.-481 Year-2020 Thana- BAIRIYA District- West Champaran

1. VIKASH YADAV @ BIKASH YADAV Son of Sitaram Yadav R/O Village - Tadhwanandpur, P.S.- Bairiya, District - West Champaran.
2. Sunil Yadav Son of Rameshwar Yadav R/O Village - Tadhwanandpur, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjali Kumari, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and from perusal of the allegation as alleged in FIR it would manifest that as far as petitioner no. 1 is concerned, there is no specific allegation against him and with regard to petitioner no. 2, it is alleged that he assaulted Kamlesh, son of informant, by lathi on his right hand and face which swelled, it is next submitted that as far as



allegation of assault by *farsa* and sharp aged weapon is concerned, the said allegation is on other accused persons. Learned counsel submits that the petitioner and the informant are agnates and on account of land dispute, the present occurrence took place and there is a counter-case instituted from the side of the petitioner's being Bairiya P.S. Case No. 492 of 2020, the learned counsel next submits that from perusal of the injury report of Kamlesh, it would manifest that he suffered an injury which is recorded as being an inflammation of right thumb one inch into half inch and the injury is said to be grievous in nature. Learned counsel for the petitioners next submits that it absolutely does not stand to reason that how an inflammation on thumb is considered grievous in nature, it is further submitted that even accepting the injury report to be true then the injury is on non-vital part of the body.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Bairiya P.S. Case No. 481 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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