

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5339 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- SHAHKUND District- Bhagalpur

1. Jugal Yadav, Son of Ramdhari Yadav, R/O Vill.- Sarha, P.S.- Shahkund, Distt.- Bhagalpur
2. Saheb Yadav @ Saheb Kumar, Son of Ramdhari Yadav R/O Vill.- Sarha, P.S.- Shahkund, Distt.- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
Ms. Shweta, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Shahkund P.S. Case No. 213 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code. They have got one criminal antecedent in which they are on bail.

As per the prosecution story, on 25.07.2022 the petitioner armed with Farsa and iron rod came and started abusing bhabhi of the informant and on protest, Jugal Yadav (petitioner no. 1) assaulted her by farsa on her head. When the informant tried to save her, Saheb Yadav (petitioner no. 2) assaulted him on the head and shoulder by iron rod. It is further



alleged that petitioner no. 2 also assaulted the brother of the informant with iron rod.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is case and counter case between the parties.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the nature of disputes, case and counter case suggesting that both the parties have indulged in fighting and have caused injuries to each other, the injury reports present at Annexure '3' are showing that those are simple in nature, so far as petitioner no. 1 Jugal Yadav is concerned, this Court directs release of the petitioner no. 1 above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Shahkund P.S. Case No. 213 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 2nd, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, in view of the specific allegation that Saheb



Yadav (petitioner no. 2) assaulted the informant by iron rod as a result of which he sustained grievous injury as per Annexure '3', this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 2. His prayer for anticipatory bail is, thus, refused.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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