

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4265 of 2023

Arising Out of PS. Case No.-80 Year-2020 Thana- LAKHNAUR District- Madhubani

1. SANTOSH KUMAR YADAV SON OF KAMESHWAR YADAV R/O VILLAGE- KACHHUA, SAHORBA TOLE, P.S.- LAKHNOUR, DISTRICT- MADHUBANI
2. SHIV SHANKAR YADAV SON OF OM PRAKASH YADAV R/O VILLAGE- KACHHUA, SAHORBA TOLE, P.S.- LAKHNOUR, DISTRICT- MADHUBANI
3. OM PRAKASH YADAV SON OF JAGDISH YADAV R/O VILLAGE- KACHHUA, SAHORBA TOLE, P.S.- LAKHNOUR, DISTRICT- MADHUBANI
4. RAM PRAKASH YADAV SON OF DEO NARAYAN YADAV R/O VILLAGE- KACHHUA, SAHORBA TOLE, P.S.- LAKHNOUR, DISTRICT- MADHUBANI
5. JAI PRAKASH YADAV SON OF JAGDISH YADAV R/O VILLAGE- KACHHUA, SAHORBA TOLE, P.S.- LAKHNOUR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Sr. Advocate
	:	Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, Advocate
For the informant	:	Mr. Bijay Shankar Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Lakhnour PS case no. 80 of 2020, registered for the offences punishable under Sections 354, 379 and other allied sections of the Indian Penal Code.

The allegation is regarding 11 accused persons



including the petitioners herein having entered the house of the informant, whereafter they had assaulted the informant and the wife of the brother of the informant. It is also alleged that they had snatched ornaments from the wife of the brother of the informant and had repeatedly beaten the cow present in the house of the informant, resulting in death of the said cow.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case. The petitioners no. 2 to 5 are stated to be accused in one another case, however, they are on bail and the petitioner no. 1 is stated to be accused in two other cases, nonetheless, he is on bail in both the cases. The learned counsel for the petitioners has further submitted that admittedly, no injury has been found on the person of the informant or his family members by the doctor, hence, apparently, the informant and his family members have not sustained any serious injury and as far as the death of the cow in question is concerned, the petitioners are ready and willing to give a cow to the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that it is the categorical averment of the petitioners that there is no injury report on record *qua* the informant and his family members, meaning thereby that no serious injuries have been sustained by the informant and his family members apart from the fact that the petitioners are ready and willing to hand over a milk bearing cow to the informant, I deem it fit and appropriate to direct the learned court of A.C.J.M.-I, Jhanjharpur, Madhubani in connection with Lakhnour PS case no. 80 of 2020, to immediately grant bail to the petitioners, upon the petitioners showing proof of handing over a milk bearing cow to the informant, however, subject to such other conditions, as may be deemed fit and proper to be imposed, for the purposes of grant of anticipatory bail to the petitioners.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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