

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10152 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- LAUKAHA District- Madhubani

1. NITISH KUMAR YADAV S/O Bande Yadav R/O Village- Batermari, P.S-
Laukaha, District- Madhubani
2. Bande yadav S/O Late Sonai Yadav R/O Village- Batermari, P.S- Laukaha,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr.Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2023 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, 324, 307,
354, 379, 504, 34 of the Indian Penal Code.

Allegedly, after some altercation, petitioners came to the
informant and assaulted him. Petitioner no.2 gave order to kill
the informant, on which petitioner no.1 and other co-accused
Barun Kumar Yadav stabbed Diego on the right side of the rib
cage of the informant, as a result of which he sustained injury.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. Both the parties are co-sharers. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The occurrence took place on 22.03.2022 but the FIR was lodged on 03.04.2022 after lapse of eleven days of the alleged occurrence. There is inordinate and abnormal delay of 11 days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Injury sustained by the informant was found simple in nature, which is evident from injury report enclosed in the case diary. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case as well as the nature of the injury, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Laukaha



P.S. Case No. 85 of 2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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