

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13115 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- HUSSAINGANJ District- Siwan

1. DHARMENDRA YADAV @ DHARMENDRA Kumar S/o Rajendra Yadav R/o Village- Gopalpur, P.S.- Hussainganj, Distt- Siwan.
2. Chhotelal Yadav S/o Late Jhaman Yadav R/o Village- Gopalpur, P.S.- Hussainganj, Distt- Siwan.
3. Shambhu Yadav S/o Late Jhaman Yadav R/o Village- Gopalpur, P.S.- Hussainganj, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 At the outset, the learned counsel for the petitioners submits that the petitioner no. 2 has been arrested, hence, the present petition qua the petitioner no. 2 has been rendered infructuous.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.

The learned counsel for the petitioners has further submitted that he be granted permission to withdraw the present petition qua the petitioner no. 3 and he be granted liberty to surrender before the learned court below within a period of six weeks from today and seek the privilege of regular bail. Liberty,



so sought, is granted.

Accordingly, the present petition qua the petitioner no. 3 stands disposed off as not pressed.

Heard the learned counsel for the petitioner No. 1 and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hussainganj P.S. Case No. 280 of 2022 registered for the offence punishable under Sections 341, 323, 324, 325, 326, 504 and 506/34 of the Indian Penal Code.

The case of the prosecution, in brief, is that while the father of the informant was going on morning walk, the petitioner no. 1 had caught hold of the collar of the father of the informant and then, the petitioner no. 2 had assaulted him on his head by farsa, while the petitioner no. 3 had assaulted him on his leg by rod causing grievous injuries upon him.

The learned counsel for the petitioner no. 1 submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that as far as the petitioner no. 1 is concerned, there is no allegation of him having assaulted the father of the informant, hence, he be granted the privilege of anticipatory bail.



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 petitioner no. 1, taking into account the materials available on record as also considering the fact that the petitioner no. 1 has not been alleged to have assaulted the father of the informant, I deem it fit and proper to admit the petitioner no. 1 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate-IX, Siwan in connection with Hussainganj P.S.Case No. 280 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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