

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14285 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- BHARGAMA District- Araria

1. Arun Yadav S/O Chhani Lal Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
2. Manu Kumar Yadav S/O Ashok Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
3. Dunil Kumar Yadav @ Dunil Yadav S/O Fani Lal Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
4. Shashi Kumar @ Shashi Kumar Yadav S/O Late Vishnu Deo Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
5. Bal Kishore Yadav S/O Ram Deo Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
6. Rajesh Yadav S/O Ram Deo Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
7. Nand Kishore Yadav S/O Chani Lal Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.
8. Anil Yadav S/O Fani Lal Yadav Resident of village- Haripur, Kalo, P.S.- Bhargama, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bhargama P.S. Case No. 152 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code. They have got no criminal antecedent.



As per the prosecution story, on 11.07.2022 at 11:00 P.M., the informant along with his brother Rajmohan Yadav, Suresh Yadav and Jai Ram Yadav were coming back from their land, on the way, all the accused persons armed with weapons surrounded the informant and his companions and on the direction of petitioner no. 1, all the accused persons assaulted the informant's side. Anil Yadav (petitioner no. 8) assaulted Suresh Yadav on his head by sword and petitioner no. 7 assaulted him on his shoulder as a result his shoulder got fractured and he became unconscious. Accused Kaushal Yadav, Rajesh Yadav (petitioner no. 6) and Bal Kishore Yadav (petitioner no. 5) assaulted the informant by farsa, iron rod and sword respectively. Arun Yadav (petitioner no. 1) assaulted Raj Mohan by butt of pistol on his head. Manu Yadav (petitioner no. 2) assaulted Jai Ram by bhala and other accused persons also assaulted the informant's side.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel has submitted that the FIR has been lodged with a delay of over four days. It is submitted that both the parties are co-villagers who have fought over some prior enmity.



Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case and the submissions advanced on behalf of the informant wherein this Court has been informed that so far as petitioner no. 1 is concerned, he is the order giver, the allegation against petitioner nos. 2 to 7 are general in nature causing simple injuries but the allegation against petitioner no. 8 is that he assaulted Suresh Yadav who had sustained two grievous injuries, this Court, considering that there is a counter case also of the alleged occurrence which is prior in time, directs that petitioner nos. 1 to 7 above named in case of their arrest or surrender within a period of four weeks from today, be released on bail in connection with Bhargama P.S. Case No. 152 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 J.M. 1st Class Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1 to 7 and in case at any stage it is found that the petitioner nos. 1 to 7 have



concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 to 7. 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.

So far as petitioner no. 8, namely, Anil Yadav is concerned, he having caused two grievous injuries on the body of Suresh Yadav, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 8.

The prayer for anticipatory bail of petitioner no. 8 is, thus, refused. In case, he surrenders in the learned court below and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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