

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18623 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- MORKAHI District- Khagaria

1. Nandlal Yadav Son Of Ramdev Yadav R/O Village - Benhar, P.S.- Morkahi, District - Khagaria
2. Sanjeet Yadav Son Of Ramdev Yadav R/O Village - Benhar, P.S.- Morkahi, District - Khagaria
3. Rohit Kumar @ Rohit Kumar Yadav @ Rohit Yadav Son Of Nandlal Yadav R/O Village - Benhar, P.S.- Morkahi, District - Khagaria
4. Maheshwar Yadav Son Of Late Baudhu Yadav R/O Village - Benhar, P.S.- Morkahi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-06-2023 Heard Mr. Ashok Kumar, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar, learned APP appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioners seek permission to withdraw the application filed on behalf of the petitioner no. 4 namely Maheshwar Yadav as he has already been taken into custody during the pendency of the bail application.

3. In view of the above, the application filed on behalf of the petitioner no. 4 namely, Maheshwar Yadav, is dismissed as withdrawn.



4. The petitioner no. 1, 2 and 3 apprehend their arrest in connection with Morkahi P.S. Case No. 116 of 2022 registered under Section 341, 323, 324, 325, 308, 427, 504 and 34 of the Indian Penal Code.

5. As per the allegation made in the F.I.R., the accused persons named in the F.I.R. including the petitioners, assaulted the informant for the reason that the buffalo of the informant was grazing the crops of the accused person.

6. Learned counsel appearing on behalf of the petitioners submits that there is no allegation of assaulting the informant against the petitioners. The allegation is general and omnibus. Learned counsel further submits that petitioners are having clean antecedent. Learned counsel further submits that injury sustained by the informant is not on the vital part of the body.

7. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard the rival submissions of the parties as well as allegation made in the F.I.R. and the injury report, it appears that though the injury is grievous in nature, however, the same has been sustained on the little finger of the right hand. No injury has been found on the vital part of the body, including



the brain.

9. The Court below is directed to release the petitioners no. 1, 2 and 3, namely, Nandlal Yadav, Sanjeet Yadav and Rohit Kumar @ Rohit Kumar Yadav @ Rohit Yadav, respectively, on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, 1st, Khagaria in connection with Morkahi P.S. Case No. 116 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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