

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17626 of 2023

Arising Out of PS. Case No.-175 Year-2008 Thana- RAJNAGAR District- Madhubani

1. RAM NARESH YADAV S/O LATE BIHARI YADAV Resident of Village- Gosain Jibachh Tola Patwara, P.S.- Rajnagar, District- Madhubani.
2. ASHOK YADAV @ ASHOK KUMAR YADAV S/O RAM NARESH YADAV Resident of Village- Gosain Jibachh Tola Patwara, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioner is directed to correct
the party position in course of the day.

Petitioners apprehend their arrest in a case registered for
the offence punishable u/s 341, 323, 324, 504, 307, 379, 34 IPC.

As per the prosecution case, the F.I.R. named accused
persons including the petitioners were carrying Shisham pieces
of the informant and when informant obstructed them, then
petitioner no.1 hit farsa blow on his head and petitioner no.2
assaulted with Tengari on his head.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The injuries inflicted to the informant by the petitioner no.1 has not been found grievous in nature but it was only described as dangerous to life and the injury inflicted to the informant by petitioner no.2 has been found simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that it is specifically mentioned that the injury inflicted by the petitioner no.1 to the informant is dangerous to life.

Having regard to the facts and circumstances of the case, since the injuries inflicted by the petitioner no.1 to the informant is dangerous to life, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

However, since the injuries said to be inflicted to the informant by the petitioner no.2 is simple in nature, let the above named petitioner no.2, be released on bail, in the event of



his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Rajnagar P.S. Case No.175 of 2008, G.R. No.1486 of 2008, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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