

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22978 of 2023

Arising Out of PS. Case No.-382 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Raj Kumar Yadav @ Raj Kumar S/O- Suresh Prasad Yadav Village- Bhimkitta, Rampur Khurd, P.S-Nathnagar Madhusudanpur, District- Bhagalpur
2. Avinash Yadav son of Kishore Yadav Village- Manik Chak Banka Ps- Banka Dist-Banka
3. Abhishek Yadav son of Kishore Yadav Village- Manik Chak Banka Ps- Banka Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Diwakar Upadhyaya, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023 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, 307, 379, 504, 506 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioner nos. 1 and 3 have antecedent of two cases and petitioner no. 2 has antecedent of one case.

The informant alleges that when he was going to his shop from his house, six named accused persons including



petitioners came variously armed and surrounded him, it is next alleged that petitioner no. 1 assaulted the informant with *Hansua* causing injury on head, thereafter, petitioner no. 2 assaulted the informant with rod causing injury on body and petitioner no. 3 along with Anshu assaulted the informant with *lathi* causing injury. It is next alleged that thereafter while fleeing petitioner no. 2 snatched Rs. 20,000/- from his pocket and took gold chain worth Rs. 60,000/-, further petitioner no.1 fired with pistol upon the brother of the informant, but missed.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the date of occurrence is 02.06.2022 and the F.I.R. was instituted on 07.06.2022 without any plausible explanation for delay which casts an aspersion on the case of the prosecution. It is next submitted that there is admitted land dispute between the parties and even presuming what has been alleged is true without admitting, then the injuries suffered by the injured are simple in nature, as would be evident from *Annexure-2* to the anticipatory bail application.

Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the



submission of the learned counsel for the petitioners that the F.I.R was instituted after a delay of five days and the injuries suffered by the injured are simple in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nathnagar (Madhusudanpur) P.S. Case No. 382 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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