

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25878 of 2023

Arising Out of PS. Case No.-167 Year-2020 Thana- KHAJAUJI District- Madhubani

1. SANTOSH YADAV Son of Ram Kishun Yadav Resident of Village and Police Station - Khajauli, District - Madhubani.
2. Ranjit Yadav Son of Gangaram Yadav Resident of Village and Police Station - Khajauli, District - Madhubani.
3. Sita Ram Yadav Son of Ram Udgar Yadav Resident of Village and Police Station - Khajauli, 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.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Khajauli P.S. Case No.167 of 2020, arising out of G.R. No.1698 of 2020, registered for offences under Sections 341, 323, 325, 324, 307, 379, 354, 447, 504, 506 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having assaulted the informant and others when the informant had objected to the accused



filling up the well situated in the premises of informant with cow dung and garbage. The main accused appears to be Ramdeo Yadav, who had inflicted khanti blow on the head of the informant, however the petitioners are also alleged to have inflicted rod blow on Ganesh Yadav and Shyam Sundar.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the accused persons including the petitioner herein, and while the co-accused person, namely, Ramdeo Yadav has been alleged to have inflicted khanti blow on the informant, the petitioners no.2 and 3 are alleged to have inflicted iron rod blow on Ganesh Yadav and Shyam Sundar. The learned counsel for the petitioners has also submitted that the injuries sustained by the said Ganesh Yadav and Shyam



Sundar are simple in nature, hence the petitioners 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 parties and taking into account the materials available on record as also considering the fact that as far as the petitioner no.1 is concerned, he has not been alleged to have engaged in any sort of overtact, however as far as the petitioners no.2 and 3 are concerned, though they have been alleged to have inflicted iron rod blow on Ganesh Yadav and Shyam Sundar, but it is the specific averment of the learned counsel for the petitioners that the injuries sustained by them are simple in nature, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however subject to verification of the fact as to whether the said injured persons,



namely, Ganesh Yadav and Shyam Sundar have received simple injuries or not.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani in connection with Khajauli P.S. Case No.167 of 2020, arising out of G.R. No.1698 of 2020, 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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