

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25641 of 2023

Arising Out of PS. Case No.-790 Year-2022 Thana- KHAGARIA District- Khagaria

1. PAPPU YADAV @ PREM CHAND YADAV Son of Parmanand Yadav
Resident of village - Gopi Tola, P.S - Gangaur, Distt. - Khagaria
2. Ankush Yadav @ Ankush Kumar Son of Pappu Yadv @ Prem Chand Yadav
Resident of village - Gopi Tola, P.S - Gangaur, Distt. - Khagaria
3. Bittu Yadav @ Bittu Kumar Son of Pappu Yadav @ Prem Chand Yadav
Resident of village - Gopi Tola, P.S - Gangaur, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh
For the informant	:	Mr. Sunil Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-07-2023
1. Learned Counsel for the petitioners informs that the petitioner no. 2, Ankush Yadav @ Ankush Kumar, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 2 is concerned, has become infructuous.
 2. Accordingly, this application, so far as petitioner no. 2, is concerned, is dismissed as having become infructuous.
 3. This application will now survive only for petitioner nos. 1 and 3.
 4. Heard learned Counsel for the petitioner nos. 1 and 3, learned Counsel for the informant and learned Additional



Public Prosecutor for the State.

5. This application, for grant of anticipatory bail, arises out of Supplementary Khagaria (Gangaur) Police Station Case No. 790 of 2022, disclosing offences punishable under Sections 147/148/149/341/323/324/307/379/385/387/504/506 of the Indian Penal Code and Section 27 of the Arms Act.
6. The prosecution case, as per the First Information Report, is that while the informant, who is the Ward Member, along with his brother, was constructing boundary wall of the Primary School, Lakshmipur, the petitioner nos. 1 and 3, along with other accused persons, altogether twenty in numbers, arrived there, co-accused Bilash Yadav, demanded extortion money and upon denial, petitioner no. 1 ordered to assault, upon which co-accused Bilash Yadav fired upon the brother of the informant, which hit him in his left hand and right leg and thereafter all the accused persons started assaulting them with lathi, due to which the informant sustained injury on his head.
7. Learned Counsel for the petitioner nos. 1 and 3 submits that the petitioner no. 1 is the husband of the sitting Mukhiya of Jahangira Gram Panchayat and he, along with



others, have been implicated in this case due to political rivalry. He further submits that the petitioner no. 1 is, at best, an order giver and there is no specific allegation of assault against petitioner no. 3. He also submits that the allegation of firing is upon co-accused Bilash Yadav. Referring to the injury reports of the informant as well as his brother, he submits that though there is allegation that the brother of the informant has sustained fire arm injuries, the injury report does not reflect any fire arm injury; rather, simple injury has been caused due to the assault by hard and blunt substance. The injury caused to the informant is also simple in nature.

8. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that all the accused persons, with common intention, assaulted the informant and his brother due to non-payment of extortion money demanded by them.
9. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner nos. 1 and 3 are not the assailants, petitioner no. 1 is an order giver, there appears to be political rivalry between the parties and the injuries caused to the



informant and his brother are simple in nature, I am inclined to grant the petitioner no. 1 and 3 privilege of anticipatory bail.

10. This application is, accordingly, allowed.

11. Let the petitioner nos. 1 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, in connection with Supplementary Khagaria (Gangaur) Police Station Case No. 790 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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