

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30793 of 2023

Arising Out of PS. Case No.-670 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. Umesh Yadav son of Late Sahdeo Yadav Resident of Village Umarchak Bigha Ps Daudnagar Distt Aurangabad
2. Nitish Kumar son of Umesh Yadav Resident of Village Umarchak Bigha Ps Daudnagar Distt Aurangabad
3. Mukesh Kumar son of Umesh Yadav Resident of Village Umarchak Bigha Ps Daudnagar Distt Aurangabad
4. Gorelal Kumar son of Shivnath Yadav, Resident of Village- Umarchak Bigha Ps- Daudnagar Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 448, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that eleven named accused persons, including the petitioners, came variously armed and entered his house and started abusing and assaulting him, it is next alleged that



petitioner no. 1 assaulted Vikash with rod causing injury on his head due to which he fell down, thereafter petitioner no.4 assaulted him with *lathi* causing injury on his shoulder and right hand and thereafter Jagnarayan and Guddu assaulted Kanti Devi with an iron rod causing injury on her head, it is next alleged that the accused persons, including the petitioner no.1, snatched a bag containing Rs. 80,000/-.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the injuries suffered by Kanti Devi is grievous but then the allegation of assaulting her is against Jagnarayan and Guddu who are not petitioners in the present case, it is further submitted that there is no injury report of Vikash on record nor the same has been discussed in the impugned order by the learned District Court.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. 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 Court below 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 court below where the case is pending/successor court in connection with Daudnagar P.S. Case No. 670 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the injury report of Vikash and in the event, if it is found that Vikash has suffered grievous injury on his head, shoulder and right hand then in that event, the present anticipatory bail order shall not be given effect to in favour of petitioner no.1 i.e. Umesh Yadav and petitioner no.4 Gorelal Kumar and in the event, if it is found that there is no injury report of Vikash or the injury is simple, in that event, the bail bonds shall be accepted forthwith.

(Satyavrat Verma, J)

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