

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28728 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- TANKUPPA District- Gaya

1. Nand Kishore Yadav Village Bhagatchak P.S Tankuppa District Gaya
2. Jay Kishore Yadav S/O Late Rameshwar Yadav Village Bhagatchak P.S Tankuppa District Gaya
3. Guddu Kumar @ Guddu Yadav Mukesh Yadav Village Bhagatchak P.S Tankuppa District Gaya
4. Sunil Kumar Yadav @ Sunil Yadav S/O Jay Kishore Yadav Village Bhagatchak P.S Tankuppa District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vibhuti Kumar, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, APP
For the Informant :	Mr. Sharda Nand Mishra, Advocate
	Mr. Bishwa Nath Mahto, Advocate
	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-07-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner nos. 1 and 3.
3. Permission is accorded.
4. Accordingly, the present anticipatory bail application with respect to petitioner nos. 1 and 3 is dismissed as withdrawn.
5. The petitioner nos. 2 and 4 apprehend their arrest in



a case registered for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that Nandkishore assaulted him by an iron rod causing fracture of his leg, Mukesh assaulted by an iron rod causing injury on head, thereafter Shudhanshu, Jay Kishore Yadav, Rakesh, Akhilesh, Vishnu, Vipin, Guddu and Sunil assaulted by *gada*, *lathi* and iron rod causing severance of his right hand's thumb and also caused injury on leg, further Mukesh and Guddu assaulted his wife by *lathi* and iron rod causing injury on head and Akhilesh threatened with pistol.

7. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that on account of dispute relating to land, an altercation took place in which both sides assaulted each other but then from perusal of the allegations as alleged in the FIR it would manifest that specific allegation of assault is against Nandkishore and Mukesh and rest of the accused are alleged to have assaulted and the allegations are general and omnibus in nature, it is next submitted that as far as allegation of snatching



chain is alleged, the same is ornamental in nature.

8. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submissions of the learned counsel for the petitioners that the allegations against these petitioners are general and omnibus in nature and they are persons with clean antecedent.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 and 4, 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 Tankuppa P.S. Case No. 54 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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