

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30076 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. LALU YADAV @ LALU PRASAD Son of Abdhesh Yadav @ Abdhesh Prasad @ Avdhesh Yadav @ Avdhesh Prasad Resident of Village-Horidih, P.S.-Neemchak Bathani, District-Gaya
2. RAMJEE YADAV @ RAM JIVAN SINGH S/o Late Phaguni Yadav @ Late Phaguni Singh Resident of Village-Horidih, P.S.-Neemchak Bathani, District-Gaya
3. ABDHESH YADAV @ ABDHESH PRASAD @ AVDHESH YADAV @ AVDHESH PRASAD S/o Late Phaguni Yadav @ Late Phaguni Singh Resident of Village-Horidih, P.S.-Neemchak Bathani, District-Gaya
4. SANJEEVAN YADAV @ JAY PRAKASH KUMAR @ SAJEEVAN YADAV S/o Lakhan Yadav Resident of Village-Mudparpur, P.S.-Rajgir, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Manisha Prakash, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State along with learned counsel for the informant.

The petitioners apprehend their arrest in connection with Neemchak Bathani P.S. Case No. 232 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 341, 336, 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.



The informant alleges that on 16.11.2022, an altercation took place in which it is alleged that petitioner no. 1 assaulted Ram Pravesh Yadav with an iron rod causing injury on his head, Rajiv assaulted Sunita with *Gandasa* causing injury on her head, thereafter, petitioner no. 2 assaulted Soni with *lathi* causing fracture on her hand, next petitioner no. 3 assaulted Kajal with an iron rod causing injury on her head, thereafter, Rakesh assaulted Nitish causing injury on his finger, Manish assaulted Rani with *lathi*, thereafter Babita assaulted Nilam with *Khanti* causing injury on her head, it is next alleged that Lalita was pelting stones and Sarbeela Devi and Tetri Devi were engaged in scuffle and petitioner no. 4 was swinging *lathi* causing injury to other victims.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the petitioners and the informant are neighbours and the dispute arose with regard to keeping of garbage, it is next submitted that no doubt the occurrence took place on account of an altercation relating to dispute relating to garbage, but then both sides assaulted each other and even presuming what has been alleged is true without admitting then from perusal of the *Annexure-3*, it would manifest that the injury



suffered by the injured alleged to have been assaulted by the petitioner nos. 1, 2 and 3 are simple in nature and the allegation against petitioner no. 4 is general and omnibus in its content.

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 submissions of the learned counsel for the petitioners that the injury suffered by the injured is 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 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 Neemchak Bathani P.S. Case No. 232 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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