

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38505 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- KATEYA District- Gopalganj

1. INDRABALI YADAV Son of Late Thag Yadav Resident of Village - Mahanthawa, P.S.- Kateya, District - Gopalganj
2. Ramji Yadav Son of Indrabali Yadav Resident of Village - Mahanthawa, P.S.- Kateya, District - Gopalganj
3. Mahatam Yadav @ Mahatam Chaudhary Son of Late Thag Yadav Resident of Village - Mahanthawa, P.S.- Kateya, District - Gopalganj
4. Munna Yadav @ Kamlesh Yadav Son of Indrabali Yadav Resident of Village - Mahanthawa, P.S.- Kateya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for anticipatory bail apprehending their arrest in connection with Kateya P.S. Case no. 466 of 2022 registered for the offence punishable under sections 307, 147, 149, 341, 323, 324, 325, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, eight named accused persons including the four petitioners herein are said to have come variously armed and having assaulted the informant and the members of his family. Ramji Yadav is said



to have assaulted with iron road while Munna Yadav is said to have assaulted with knife. Raja Ram is said to have assaulted with the farsa while Indrabali Yadav and Mina Devi are said to have assaulted with a lathi.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. The injury reports do not support the allegations levelled in the FIR. The petitioners undertake to cooperate in the investigation/trial.

5. The prayer for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation levelled in the F.I.R. as also the order of the learned trial Court, although it is true that Title Suit no. 669 of 2013 is pending between the parties, however, in view of the fact that there is allegation against petitioner no.2, Ramji Yadav of having assaulted with iron rod and against petitioner no.4, Munna Yadav of having assaulted with a knife, the Court is not inclined to enlarge these two petitioners on anticipatory bail and their prayer for anticipatory bail is rejected.

In the facts and circumstances of the case, it is



directed that the petitioner no.1, Indrabali Yadav and petitioner no.3, Mahatam Yadav, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kateya P.S. Case no.466 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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