

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36306 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- BARACHATTI District- Gaya

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1. Sudhir Yadav @ Sudhir Kumar, Son of Ram Swaroop Yadav, Village Jalhi PS Mohanpur Dist - Gaya
 2. Upendra Yadav @ Upendra Kumar Yadav, son of Late Fagu Yadav, Resident of Village- Jalhi, PS- Mohanpur, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned Counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in Barachatti (Mohanpur) P. S. Case No.716 of 2022 registered on 15.08.2022 for the offences punishable under Sections 341, 323, 324, 354, 307/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against four named accused persons including the present petitioners alleging therein that on 15.08.2022 at about 8.00 pm, the informant upon listening to noise came out from his house and he saw that all the accused persons armed with deadly weapon brutally assaulting his brother, as a result of which, the informant's brother got injured. Subsequently, the injured was



referred to the ANMMCH, Gaya for better treatment.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. The petitioners and the informant both sides are adjacent neighbours. He further submits that the specific allegation of assaulting the nephew of the informant on his neck and back is against petitioner no.1 whereas the allegation against petitioner no.2 is that he has assaulted the sister-in-law (bhabhi) of the informant with fists and slaps. He further submits that the major sections are 307 and 305 of the Indian Penal Code, but ingredients of the offences are not present as the injury report has not been collected by the I.O. Meaning thereby, the injury was not of grievous nature. He further submits that as per the First Information Report, the date of occurrence is 12.08.2022 whereas the First Information Report has been lodged on 15.08.2022, but no explanation has been given for delay lodging of the First Information Report. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

5. In the present facts and circumstances, let the above



named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati at Gaya, in connection with Barachatti (Mohanpur) P. S. Case No.716 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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