

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41825 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- LACHHUAR District- Jamui

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1. SHIVBALAK YADAV SON OF KIRAT YADAV RESIDENT OF VILLAGE- MATHURAPUR, PS- LACHHUAR, DISTRICT- JAMUI
 2. RAMASHANKAR YADAV SON OF KIRAT YADAV RESIDENT OF VILLAGE- MATHURAPUR, PS- LACHHUAR, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-08-2023 1. At the very outset learned counsel for petitioner no. 2 submits that he wants to withdraw bail prayer of petitioner no. 2.
2. Accordingly, bail prayer of petitioner no. 2 stands dismissed as withdrawn.
3. Heard learned counsel for the petitioner no. 1 Shivbalak Yadav and learned A.P.P. for the State.
4. The petitioner no. 1 is apprehending his arrest in connection with Lachhuar P.S. Case No. 15 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506, 354 of the Indian Penal Code.
5. As per prosecution case, petitioner no. 1 is alleged



to have assaulted the informant by means of lathi.

6. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears one criminal antecedent which is between the same party in which the petitioner is on bail. Learned counsel further submits that allegation against the petitioner no. 1 is that he has assaulted the informant by means of Lathi but in course of investigation, no injury was found either on the body of Bisho Yadav or on the body of informant, so no case under Section 307 or under Section 27 of Arms Act is made out against the petitioner no. 1. There is admitted land dispute between both the parties. There is a case and counter case between the parties, where there is a case and counter case, facts are generally exaggerated. Allegation of firing is against Vicky Kumar and Nitish Kumar and there is no allegation of firing against the petitioner no. 1.

7. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 1.

8. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioner no. 1 above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Jamui in connection with Lachhuar P.S. Case No. 15 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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