

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42959 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. BINDO YADAV S/o- LATE NASIB YADAV Village- Bhelwa Ps- Gamhariya Dist- Madhepura
2. Shivendra Yadav son of Late Nasib yadav Village- Bhelwa Ps- Gamhariya Dist- Madhepura
3. Arun Yadav son of Bindo Yadav Village- Bhelwa Ps- Gamhariya Dist- Madhepura
4. Arjun Yadav son of Bindo Yadav Village- Bhelwa Ps- Gamhariya Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1, as he has been arrested by the police during the pendency of the bail application.

3. Permission is granted.

4. Accordingly, this application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, this application is being heard with regard to the petitioner nos.2, 3 and 4 only.



6. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 379, 427 and other allied Sections of the Indian Penal Code.

7. The allegation against the petitioners is that the petitioners along with other co-accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries. It is also alleged that a golden chain was also snatched from the informant.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties and a title suit is also pending in the learned Court below. There is a case and counter case between the parties. Petitioners have one criminal antecedent.

9. Learned APP for the State opposed the prayer for anticipatory bail and submits that the injury attributed towards the petitioner no.3 namely, Arun Yadav is grievous in nature.

10. Having regard to the facts and circumstances of the case as well as considering the nature of injury, I am not inclined to



enlarge the petitioner no.3 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

11. However, as the injuries attributed towards the petitioner nos.2 and 4 are simple in nature, let the above named petitioner nos.2 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Gamhariya P.S. Case No.138 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

