

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43287 of 2023

Arising Out of PS. Case No.-174 Year-2021 Thana- BAHERI District- Darbhanga

1. Rajesh Kumar @ Rajesh Yadav, Son of Jibachh Yadav, Resident of Village- Amata, P.S.- Baheri, Distt- Darbhanga
2. Rajgir Yadav, Son of Jibachh Yadav, Resident of Village- Amata, P.S.- Baheri, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 174 of 2021 dated 17.09.2021 registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code pending in the learned Court below.

3. As per the prosecution story, the informant alleged that the petitioners along with other co-accused persons were closing the way to his house. On objection made by him, one co-accused Raj Kumari Devi ordered the accused persons to kill him then one co-accused Santosh Yadav inflicted *farsa* blow



on his head and other accused persons assaulted him by means of knife and *lathi*. When his family members came to rescue him, these co-accused persons also assaulted his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case in between both the parties. He further submits that there is general and omnibus allegation against the petitioners. There is specific allegation against the co-accused Santosh Yadav, who assaulted the informant by means of *farsa* and the injury was found to be simple in nature. He submits that there is no specific overt act against the petitioners. He further submits that petitioner no. 1 has got two criminal antecedent while petitioner no. 2 has got one criminal antecedent as stated in para-3 of the bail application.

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

6. Considering the aforesaid facts and circumstances and also the fact that there is general and omnibus allegation against the petitioners and the injury was found simple in nature, I am inclined to grant anticipatory bail



to the petitioners. Accordingly, let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor Court, in connection with Baheri P.S. Case No. 174 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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