

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44167 of 2023**

Arising Out of PS. Case No.-109 Year-2023 Thana- KHAIRA District- Jamui

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1. MANTU YADAV S/O BALMUKUND YADAV R/O VILLAGE- B HOUR  
BHAUNR, PS. KHAIRA, DIST.JAMUI
  2. AJAY YADAV S/O BALMUKUND YADAV R/O VILLAGE- B HOUR  
BHAUNR, PS. KHAIRA, DIST.JAMUI
  3. SANTOSH YADAV S/O BALMUKUND YADAV R/O VILLAGE-  
B HOUR BHAUNR, PS. KHAIRA, DIST.JAMUI
  4. UMA DEVI W/O BALMUKUND YADAV R/O VILLAGE- B HOUR  
BHAUNR, PS. KHAIRA, DIST.JAMUI
  5. REKHA DEVI W/O MANTU YADAV R/O VILLAGE- B HOUR  
BHAUNR, PS. KHAIRA, DIST.JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Ravindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      24-08-2023                      1. Heard learned counsel for the petitioners and  
learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case  
registered for the offences punishable under Sections 341, 323,  
324, 307, 379, 504 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that  
petitioners have antecedent of one case and petitioner nos. 4 and  
5 are women.
4. The informant alleges that accused persons came in



the night and started looting and Mantu assaulted by sword causing injury on head, thereafter Ajay fired but missed, next alleges that Santosh and Balmukund started demolishing his asbestos roof and accused also assaulted by sword indiscriminately, further Uma and Rekha assaulted his uncle by *lathi* and *danda* when he went to their house for complaining, further accused snatched gold chain worth Rs. 40,000/- and his cousin also received injury. It is next alleged that earlier Khaira P.S. Case No. 59 of 2023 was instituted against them for abusing and assaulting Bishnu Yadav.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that though it is alleged that Mantu (petitioner no. 1) assaulted by sword causing injury on head of the informant, but then from perusal of the injury report, it would manifest that the injury though is grievous but is said to be caused by hard and blunt substance, thus the allegation as alleged in the FIR does not get corroborated by the injury report, it is next submitted that the date of occurrence is 07.03.2023 and the FIR has been instituted on 11.03.2023 i.e. after a delay of four days without any plausible explanation which further casts an aspersion on the case of the prosecution. It is next submitted



that if the injury was really grievous, then definitely the police would have been informed by the hospital, but the same was not done, it is next submitted that as far as allegations alleged against the other accused persons are concerned, the same are general and omnibus in nature and the injury suffered by the injured are also not on record.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khaira P.S. Case No. 109 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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