

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44379 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- FATEHPUR District- Gaya

1. RAJO YADAV Son of Late Sarju Yadav @ Sarjug Yadav Resident of village - Raghwachak (Dharhara Kala), P.S. - Fatehpur, Distt. - Gaya
2. Surendra Yadav @ Surendra Kumar Son of Bhuneshwar Yadav Resident of village - Raghwachak (Dharhara Kala), P.S. - Fatehpur, Distt. - Gaya
3. Ganesh Yadav Son of Nanku Yadav Resident of village - Raghwachak (Dharhara Kala), P.S. - Fatehpur, Distt. - Gaya
4. Binay Kumar Son of Late Baso Yadav @ Basudev Yadav Resident of village - Raghwachak (Dharhara Kala), P.S. - Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Fatehpur P.S. Case No. 466 of 2022 registered for the offences punishable under Sections 147, 148, 323, 341, 307, 504, 506, 354 and 379 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that she was returning with her husband on a motorcycle when they were intercepted by the accused persons on account



of dispute relating to passage. It is further alleged that Rajo and Surender pulled her from the motorcycle and started slapping her, thereafter Rajo assaulted with *tangi* causing injury on head of Ramswaroop, thereafter Ganesh and Kulwa Devi assaulted him by *lathi-danda* and her cousin father-in-law was assaulted by Ganesh and named woman accused persons causing injury on head, it is next alleged that Vinay assaulted her and Ramswaroop by *fasuli* causing injury on her head.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that there is a dispute between the informant's side and the petitioner's side with regard to passage on account of which an altercation had taken place on which both sides assaulted each other. It is further submitted that even presuming what has been alleged is true then the nature of injury suffered by the informant is simple in nature which amply demonstrates that the petitioners never had any intention of committing a serious occurrence.

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

6. 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 Court below 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 court below where the case is pending/successor court in connection with Fatehpur P.S. Case No. 466 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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