

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46527 of 2023**

Arising Out of PS. Case No.-915 Year-2022 Thana- GOPALGANJ TOWN District-  
Gopalganj

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DINESH KUMAR @ DINESH YADAV son of Rajindra Yadav @ Rajendra  
Yadav Village- Manikpur Nairanga @ Manikpur Nawranga @ Manikpur  
Manjhariya Ps- gopalganj Town Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      04-08-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gopalganj (Town) P.S. Case No. 915/2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 325, 504, 506 of the Indian Penal Code in which Section 302 was added later on vide order dated 15.11.2022.

3. As per prosecution case, the petitioner and others are said to have assaulted the informant and his brother. It is alleged that co-accused Alalgu Yadav by means of Farsa hit on the head of informant and Balistar Yadav by means of Farsa hit on the head of informant's brother Upendra Yadav. Both



were sustained injury but victim Upendra Yadav sent to the hospital for better treatment.

4. 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 due to land dispute. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation of overt-act against the petitioner and there is general and omnibus. There is specific allegation against co-accused Alagu Yadav who hit on the head of the informant by means of Farsa and there is also specific allegation against co-accused Baristar Yadav who hit on the head of informant's brother Upendra Yadav by means of Farsa. He further submits that co-accused Jitendra Yadav has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.35251/2023 and the case of present petitioner stands on better footing, keeping in view he has no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, on similar allegation co-accused has already been granted anticipatory bail,



argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner 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 Judicial Magistrate-1st Class, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 915/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Alok Kumar Pandey, J)**

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