

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52103 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- PIPRA District- Supaul

-
1. JAY KUMAR YADAV, S/O YUGESHWAR YADAV, R/O Village-Bishanpur, Ward no.-11, P.S- Pipra, Distt.- Supaul.
 2. Ranjit Yadav @ Ranjit Kumar, S/O Shiv Narayan Yadav, R/O Village-Bishanpur, Ward no.-11, P.S- Pipra, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in connection with Pipra P.S. Case No. 231 of 2022 registered for offence under Sections 147, 149, 341, 342, 323, 324, 307 and 354 of Indian Penal Code.

3. As per prosecution case, the petitioners along with seven other co-accused persons have indiscriminately assaulted the informant and members of the prosecution party by various means.

4. It is submitted by learned counsel for the petitioners that against petitioner No.1, there is a vague allegation of assaulting the informant's wife namely Kiran Devi



which is also not supported by any injury report. Petitioner No.1 also has clean antecedents. Insofar as petitioner No.2 is concerned, it is submitted that the injury attributed to the petitioner No.2 as per the report dated 06.08.2022 (Annexure-2) is yet to be ascertained as the opinion was reserved. The scuffle has taken place over a trivial issue.

5. Learned APP for the State has opposed the prayer for bail. It is submitted that the informant has sustained injury on his skull as well as forearm. The allegation of assault on Petitioner No.2 stands corroborated by the injury report. The Petitioner No.2 also has antecedent in Pipra P.S. Case No. 235 of 2018 for offences under Sections 341, 323, 504, 506, 307, 379 and 34 of Indian Penal Code.

6. Considering the rival submissions and having regard to the nature of allegations, the assault not being supported by any injury report, as also the fact that petitioner No.1 is having clean antecedents, this Court is inclined to allow Petitioner No.1's prayer for grant of anticipatory bail.

7. Petitioner No.1's prayer for anticipatory bail is allowed.

8. Accordingly, let the Petitioner No.1, namely Jay Kumar Yadav, S/o Yugeshwar Yadav, in the event of his arrest or surrender before the court below within a period of four weeks



from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Supaul, in connection with Pipra P.S. Case No. 231 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

9. Insofar as Petitioner No.2 is concerned, there is allegation of assault by iron rod which is corroborated by the injury report. He is also having antecedents and, therefore, the court is not inclined to allow his prayer for anticipatory bail.

10. Petitioner No.2's prayer for grant of anticipatory bail is rejected.

(Madhuresh Prasad, J)

shashank/-

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

