

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48462 of 2023

Arising Out of PS. Case No.-1 Year-2021 Thana- YADOPUR District- Gopalganj

1. Muneshwar Yadav @ Muneshar Chadhari S/O Bal Khila Yadav R/O Village- Kalyanpur, P.S- Barauli, Distt.- Gopalganj.
2. Hanshdeo Yadav S/O Bauk Yadav R/O Village- Goreyakhal (Majhariya), P.S- Jadopur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 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 302/ 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged by the informant against 5 named accused persons including the petitioners against whom the allegation is that they have kept weapons in their hands and were cut the head and leg of the deceased.

4. Learned counsel for the petitioners submits that after completion of investigation, charge-sheet has been filed

against 3 accused persons only and against the present petitioners, the case was found untrue. Counsel submits that during trial, the case investigation has started and application under Section 319 of the Cr.P.C. has been filed, in which the cognizance has been taken against the petitioners. Thereafter, the petitioners were moved for anticipatory bail.

5. Learned counsel for the petitioners further submits that from the contents of the F.I.R., it transpires that the story is unbelievable. Counsel further submits that the injury of the post mortem report which he has indicated in paragraph 12 indicates that one incised wound has been found on right leg. Counsel submits that the allegation levelled in the F.I.R. is against 2 accused of causing leg injury but the post mortem report reflects only one injury, therefore, petitioner deserves for bail.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that the statement of F.I.R. has been fully supported by the witnesses. Counsel also submits that upon going through the injury report, pleading has been made in paragraph 12 of the writ petition that there are 2 injuries found on the leg. In this view of the matter, there is consistency in the statement in the F.I.R. in evidence and in post mortem.

7. Learned A.P.P. for the State further submits that

only one thing is in favour of the petitioners that is they are very old aged persons of 83 and 82 years at the time of filing the bail application.

8. Considering the age of the petitioners and the submissions made above, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned 10th Additional Sessions Judge, Gopalganj at Gopalganj, in connection with Jadopur P.S. Case No. 01 of 2021, dated 03.01.2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with a condition that the petitioners shall appear on each and every date before the Trial Court.

(Dr. Anshuman, J.)

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