

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47730 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- JOGAPATTI District- West Champaran

1. Shubh Narayan Yadav, Son of Sri Bhikhari Yadav
2. Mantu Yadav Sonof Sri Shubh Narayan Yadav
Both Residents of Village - Baldiha, P.s.- Jogapatti (Nawalpur), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioners submit that so far as petitioner no.1 is concerned, he has been arrested during the pendency of the present petition and as such, so far as the anticipatory bail application against him is concerned, it has become infructuous.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioner no.2 apprehends his arrest in connection with Jogapatti (Nawalpur) P.S. Case No.184 of 2022 instituted under Sections 341,323,324,325,307,379, 504, 506/34 of the Indian Penal Code.

As per the FIR, the accused persons who are agnates, assaulted the informant and his family members. So far as the



petitioner no.2 is concerned, the allegation is that he gave a rod blow on the head of the daughter-in-law of the informant as also injured her legs and dragged her. The further allegation is of outraging her modesty.

Learned counsel for the petitioners submit that although the allegation has been exaggerated to show that she has been assaulted, the injury report does not support the case inasmuch as the same has been found to be simple in nature. He however submits that both the parties are agnates and there has been case and counter case due to land dispute and in view of the fact that there is injury on the side of the daughter-in-law of the informant, he on its own wants to provide medical assistance of Rs.15,000/- through Demand Draft issued by the local State Bank of India Branch irrespective of the result of the present petition.

Learned counsel for the informant's on the other hand submits that there has been allegation of assault against the petitioner and as such he has opposed the prayer for bail. Learned APP also supports the informant version.

Taking into account the fact that the injury inflicted by the petitioner no.2 has been found to be simple in nature, he do not have any criminal antecedent, this Court is inclined to



grant him privilege of anticipatory bail, subject to payment of Rs.15,000/- as stated above which will be deposited in the Nazarat and handed over to the informant after checking his credentials.

Let the petitioner no.2 be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Jogapatti (Nawalpur) P.S. Case No.184 of 2022 to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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