

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49238 of 2023**

Arising Out of PS. Case No.-31 Year-2023 Thana- NEMDARGANJ District- Nawada

1. Ajay Yadav @ Ajay Kumar Son of Sidheshwar Yadav, Resident of Village Mastangar P.S. Nemdarganj Distt Nawada.
2. Sidheshwar Yadav @ Sideshwar Prasad Son of Late Dodhi Yadav, Resident Of Village Mastangar P.S. Nemdarganj Distt Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      11-08-2023                      Heard learned Counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504/32 of the Indian Penal Code.

3. As per prosecution case, the F.I.R. has been lodged against three named accused persons including the present petitioners. Specific allegation against the petitioner no.1 is that he assaulted on the forehead of the informant due to which bleeding started and he fell down.

4. Learned counsel for the petitioners submits that the open fight took place between the accused persons and



informant due to which both parties injured but only one criminal case has been filed which is by the informant side. He further submits that it is true that in the F.I.R. there is an allegation against the petitioners but from the content of F.I.R., it transpires that the allegation against the petitioner no.2 is not correct as in the F.I.R., he has stated that upon injury the informant fell down and become unconscious but in the F.I.R. he stated that chain has been taken by the petitioner no.2, according to learned counsel for the petitioner it is not possible for the informant to know when he become unconscious that who has taken chain. He also submits that there is one criminal antecedent against the petitioners, in which they are on bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that there is specific allegation against the petitioners to assault the informant on his forehead by sharp cutting weapon.

6. In the present facts and circumstances, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no.1, namely, Ajay Yadav @ Ajay Kumar. Accordingly, the prayer for anticipatory bail of petitioner no.1 is hereby rejected.

7. Considering the nature of allegation levelled



against petitioner nos. 2, let him be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Nemdarganj P. S. Case No.31 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dr. Anshuman, J.)**

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