

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49431 of 2023**

Arising Out of PS. Case No.-666 Year-2022 Thana- PIRO District- Bhojpur

- 
1. FULCHAND YADAV @ PHULCHAND YADAV Son of Late Jitan Yadav Resident of Piro, Ward No.- 13, Police Station - Piro, District - Bhojpur.
  2. Chandan Yadav Son of Late Jitan Yadav Resident of Piro, Ward No.- 13, Police Station - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Singh  
For the Opposite Party/s : Mrs.Renu Kumari

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      16-08-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Piro PS Case No. 666 of 2022 dated 18-12-2022 registered under Sections 341, 323, 307, 504 and 379 / 34 of the Indian Penal Code.

3. The petitioner no. 1 has allegedly assaulted the informant along with one Gulabchand Yadav by means of iron rod as well as by means of butt of the pistol.

4. Learned counsel for the petitioners submits that the present F.I.R. has been lodged due to political rivalry which would be evident from the statement made in the F.I.R. itself that the petitioners and others assaulted the informant on the



voting day in which the informant allegedly did not cast vote in favour of mother of the petitioners. Learned counsel next submits that allegation against the petitioner no. 2 is that he was holding a pistol which was snatched by the petitioner no. 1 and he assaulted the informant by means of its butt. No overt act has alleged against the petitioner no. 2. The petitioner no. 2 is not having any criminal antecedent.

5. Learned counsel for the State on the other hand submitted that the petitioner no. 1 is having criminal antecedent and he assaulted the informant twice by means of iron rod as well as by means butt of pistol causing injury on the head of the informant and doctor has recommended for X ray of his skull and CT Scan of brain also.

6. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner no. 1 is having criminal antecedent and he repeatedly assaulted the informant by iron rod and butt of pistol, as such, I am not inclined to grant anticipatory bail to the petitioner no. 1. The same is rejected.

7. As per the F.I.R. the petitioner no. 2 has not assaulted the informant and no overt act has been alleged against him, as such, I am inclined to grant anticipatory bail to



petitioner no. 2.

8. Let the petitioner no. 2, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Bhojpur at Ara / court concerned in connection with Piro PS Case No. 666 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that if the petitioner no. 1 surrenders before the Judicial Magistrate, Bhojpur at Ara / court concerned within three weeks from today and seek regular bail, the learned court below shall consider the same on its own merit without being prejudiced by the fact that anticipatory bail application of the petitioner no. 1 has been rejected by this court.

**(Anil Kumar Sinha, J)**

praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

