

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49481 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- ATRI District- Gaya

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1. TUNU YADAV S/o Lakhan Yadav R/o village- Phul Bigha, P.S.- Atri, District- Gaya
 2. Lakhan Yadav S/o Late Somar Yadav R/o village- Phul Bigha, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons started abusing and assaulting the informant. During the course of assault, the petitioner Tunu



Yadav assaulted on the head of the informant with *lathi*, *danda* and iron rod with intent to kill causing injury on left side of eyebrow. When the informant's wife and daughter-in-law Guddi Devi came to rescue, who were also assaulted by the accused persons. The co-accused Ashok Yadav slammed down Guddi Devi after catching hold of her hair. During that occurrence, the petitioner Tunu Yadav also snatched silver chain weighing 5 *bhari* from the daughter-in-law of the informant.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. Learned counsel has further submitted that the injured Swarup Yadav was examined on 16.09.2021. After eight months, the informant was again examined by the doctor on 25.05.2022 and injury was found to be grievous in nature and therefore, the said report seems to be doubtful. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners and submitting that the injury of the informant is grievous in nature.

Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Gaya in connection with Atri P.S. Case No. 313 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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