

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50543 of 2022

Arising Out of PS. Case No.-366 Year-2022 Thana- MADHEPURA District- Madhepura

1. Avinash Anand S/o Narayan Yadav R/o village- Khopaiti, P.S. and District- Madhepura
2. Nityanand @ Manish Anand @ Ayush Anand @ Nityanand Yadav S/o Deo Narayan Yadav R/o village- Khopaiti, P.S. and District- Madhepura
3. Arun Yadav S/o Dinesh Yadav R/o village- Khopaiti, P.S. and District- Madhepura
4. Pappu Mukhiya S/o Deep Narayan Mukhia R/o village- Khopaiti, P.S. and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending arrest in connection with Madhepura P.S. Case No. 366 of 2022 under sections 323, 341, 307, 387, 379, 504, 34 of the Indian Penal Code read with Section 27 of the Arms Act.

As per the prosecution story, the informant who was 'Munshi' has alleged that these petitioners came and assaulted and further demanded extortion if they want to continue with the work.



Learned counsel for the petitioners submit that only due to the fact that a case was lodged by Madhepura P.S. Case No. 369 of 2022 by Manish Yadav, cousin of petitioner no.2, this FIR has been lodged against them.

The further submission is that although there has been injury on the head of the 'Munshi', earlier the Doctor had opined the same to be simple but later opinion was changed as 'reserved'.

It is the further submission that irrespective of outcome of the present petition, in view of the alleged injury of the 'Munshi', the petitioners are ready to give medical assistance of Rs. 20,000/- .

The learned APP on the other hand submits that so far as the petitioner no.3 is concerned, he has criminal cases against him and in that background, at least he does not deserve any relief.

Taking into the fact that the petitioner no.3 has half of dozen criminal cases, this Court is not inclined to grant him relief. Accordingly, the petition against petitioner no.3 is rejected.

So far as other petitioners are concerned, there is omnibus allegation against them and there is nothing on record



to show any injury inflicted has been found grievous in nature, this Court is inclined to grant them relief subject to payment of Rs. 20,000/- as stated above.

Let the petitioner no.1 namely Avinash Anand, petitioner no.2 namely Nityanand @ Manish Anand @ Ayush Anand @ Nityanand Yadav and petitioner no.4 namely Pappu Mukhiya be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 366 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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