

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52238 of 2023

Arising Out of PS. Case No.-455 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. HRIDAY PRASAD YADAV @ HRIDAY YADAV SON OF LATE JAGARNATH YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
2. SIGNENDRA YADAV @ SIKANDAR YADAV @ SIGENDRA YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
3. SANJAY YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
4. NIRANJAN YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
5. RAJENDRA YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
6. FANTUS YADAV @ PHANTUS YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
7. NAVIN YADAV @ NAVIN KUMAR YADAV SON OF HRIDAY PRASAD YADAV @ HRIDAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR
8. BIPIN YADAV @ BIPIN KUMAR SON OF SANJAY YADAV RESIDENT OF VILLAGE- GONOURA BADARPUR MADHUSUDANPUR, PS- NATH NAGAR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2023 1. Heard the learned counsel for the



petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Nath Nagar (Madhusudanpur) P.S. Case No. 455 of 2022, registered for the offences punishable under Sections 341, 323, 307, 354, 506, 504 and 34 of the Indian Penal Code.

3. The allegation is regarding the accused persons, who are the petitioners herein, variously armed and in an intoxicated condition, having assaulted the son of the informant on 01.07.2022 at about 04:00 P.M., whereafter they are also stated to have assaulted the informant and others.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the injuries sustained by the injured persons have been found to be simple in nature as would be apparent from the injury report of the injured persons annexed as Annexure-3 series to the present petition. It is also submitted that the



present case arises out of case and counter case and the dispute in question had taken place on account of pre-existing land dispute.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and moreover, the injuries sustained by the injured persons, attributable to the petitioners herein, have been found to be simple in nature, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

7. Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before



the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Nath Nagar (Madhusudanpur) P.S. Case No. 455 of 2022,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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