

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53496 of 2023

Arising Out of PS. Case No.-329 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. SANTOSH KUMAR YADAV @ SANTOSH YADAV SON OF SHIV JEE YADAV RESIDENT OF VILLAGE-MAYA LERUA, PS-MAHARAJGANJ, DISTT- SIWAN
2. SUNIL YADAV @ SUNIL KUMAR YADAV SON OF SIPAHI YADAV RESIDENT OF VILLAGE-MAYA LERUA, PS- MAHARAJGANJ, DISTT-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 329 of 2022, registered for the offences punishable under Sections 341, 323, 324, 379, 504, 506/ 34 of the Indian Penal Code and 27 of Arms Act.

3. As per allegation, on 23.11.2022 the informant with his two friends went to Maharajganj for withdrawal of money from Bank of Baroda and after withdrawal of Rs. 60,000/-, they were returning and then the co-accused persons overtook them by a motorcycle and started firing. The petitioner with other co-



accused came on another motorcycle and assaulted the informant. The petitioner No. 1 assaulted on the head of the informant with an iron rod and Petitioner No. 2 snatched Rs. 59,000/- from the pocket of the informant.

4. Learned counsel for the petitioners has submitted that there is allegation on Raju Yadav (co-accused) to inflict sword blow on the head of the informant. Only one incised wound was found on the head of the informant. Though, there is allegation against the petitioner that he assaulted the informant on his head by iron rod, but no injury of iron rod has been found on the head of the informant. There is no specific allegation against the petitioner no. 2. Moreover, the injuries are simple in nature. He has also submitted that there is land dispute between the parties.

5. On the other hand, learned APP has opposed the prayer for bail and has submitted that the petitioner no. 1 has assaulted the informant on his head with rod causing injury.

6. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on anticipatory bail 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- Siwan in connection with Maharajganj P.S. Case No. 329 of 2022, subject to the conditions as laid down under Section 438(2) CrPC.

(Nawneet Kumar Pandey, J)

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