

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53453 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- BAHERI District- Darbhanga

1. Yogi Yadav Son Of Late Mouje Yadav R/O Village- Nandapatti (TRIMUHANI), P.S.- Baheri, District- Darbhanga
2. Dhaneshwar Yadav Son Of Yogi Yadav R/O Village- Nandapatti (TRIMUHANI), P.S.- Baheri, District- Darbhanga
3. Bhubneshwar Yadav Son Of Late Ratichandra Yadav R/O Village- Nandapatti (TRIMUHANI), P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Prashant, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-01-2023 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 connection with Baheri P.S. Case No. 182 of 2022 registered for the offences punishable under Sections 143, 341, 323, 324, 379, 436 and 504 read with Section 34 of the Indian Penal Code.

As per prosecution case, the petitioners and the co-



accused persons, armed with weapons, came to the house of the informant and started abusing. On the order of the petitioner Bhubaneswar Yadav, the co-accused Sushil Yadav set the informant's house on fire. The co-accused Barun Yadav assaulted the informant with iron rod on his leg, the petitioner Yogi Yadav assaulted Ayodhi Yadav on his head and hand with *farsa*, the petitioner Dhaneshwar Yadav assaulted on the head of Santosh Yadav with rod, and all the accused persons assaulted Mahavir Yadav with *lathi* and *danda*, causing injuries. Meanwhile, the informant had extinguished the house fire, but the accused persons entered the house and took away articles worth Rs. 1,00,000/-.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. Nothing has been recovered from the possession of the petitioners. There is case and counter-case between the parties. As per injury report, injuries of Virendra Yadav, Santosh Yadav, Mahavir Yadav are simple in nature and injury of Ayodhi Yadav is lacerated wound and swelling were found on the person of injured Ayodhi Yadav and the opinion regarding injuries is kept reserved. 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.

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 learned Court concerned, Darbhanga in connection with Baheri P.S. Case No. 182 of 2022, 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)

Gautam/-

U		T	
---	--	---	--

