

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57469 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SUGAULI District- East Champaran

1. OM PRAKASH YADAV Son of Bunilal Yadav Resident of Village - Devdatwa, P.s.- Sugauli, Distt.- East Champaran.
2. Raj Haran Yadav @ Raj Haran Prasad Yadav Son of Sitaram Yadav Resident of Village - Devdatwa, P.s.- Sugauli, Distt.- East Champaran.
3. Gopi Chand Rai @ Gopi Chand Yadav Son of Sitaram Yadav Resident of Village - Devdatwa, P.s.- Sugauli, Distt.- East Champaran.
4. Mahavir Yadav Son of Sitaram Yadav Resident of Village - Devdatwa, P.s.- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-01-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Sugauli P.S. Case No.130 of 2022, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354(B), 379, 504 and 506 of the Indian Penal Code.

As per allegation, all the FIR named accused persons and 4-5 unknown persons including these petitioners in furtherance of common intention came to the house of the informant and assaulted him and when the family members of the informant came to save him, the accused persons also assaulted them. It is further alleged that accused persons tried to



outrage the modesty of daughter-in-law of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is case and counter case between the parties and both sides sustained injuries. It is submitted that there is admitted land dispute between the parties and title suit is also going on between them.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against Mahavir Yadav, petitioner no.4, who assaulted Nawal Kishore Yadav by means of iron rod causing fracture injury of base of 4th M.C. bone of right hand.

Considering the fact that petitioner no.4, Mahavir Yadav assaulted Nawal Kishore Yadav causing fracture injury to him, I am not inclined to enlarge petitioner no.4, namely, Mahavir Yadav on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.4, Mahavir Yadav is rejected.

So far as petitioners no.1, 2 and 3 are concerned, considering the fact that there is general and omnibus allegation against petitioners no.1, 2 and 3, let petitioners no.1, 2 and 3,



above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Sugauli P.S. Case No.130 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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