

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55159 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- SALAKHUA District- Saharsa

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1. Anil Yadav @ Anil Kumar Yadav Son Of Late Ganesh Yadav Resident Of Vill- Mobarakpur, Ps- Salkhua, Dist- Saharsa
 2. Subhash Yadav @ Subhash Kumar Yadav Son Of Late Ganesh Yadav Resident Of Vill- Mobarakpur, Ps- Salkhua, Dist- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Salkhua P.S. Case No. 104 of 2023, registered on 18.04.2023 for the offences under Sections 341, 323, 324, 307, 379, 354(B) and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons came to the house of the informant and assaulted the informant and his other family members. The occurrence took place in the background of earlier dispute over



assault of mother of the informant by the petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and no occurrence as alleged has ever taken place. There is case and counter case between the parties and wife of co-accused Kapileshwar Yadav has filed Salkhua P.S. Case No. 105 of 2023 against the informant side. Learned counsel further submits that there is specific allegation against petitioner no. 1 about hitting the informant with the butt of country made katta and it shows there was no intention to cause death of any person, otherwise any person having the firearm would use the same. Further there is no specific allegation against petitioner no. 2. Out of injuries found on the person of the informant, one has been found to be simple and for another injury, opinion has been reserved.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties for the same occurrence and further considering the nature of injury, let the



petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saharsa/concerned court in connection with Salkhua P.S. Case No. 104 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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