

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61349 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- KATORIYA District- Banka

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1. KAMESHWAR YADAV S/o- LATE BADAL YADAV Village- Jai Shree PS- Katoria Dist- Banka
 2. Dalo Yadav @ Kamdev Kumar son of Kameshwar Yadav Village- Jai Shree PS- Katoria Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 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 Katoriya P.S. Case No. 301 of 2022, registered for the offences punishable under Sections 341, 323, 308, 504, 506/34 of the Indian Penal Code.

3. The allegation is regarding the petitioners having slapped the informant and assaulted him with fists, whereafter they had tried to drown him by pressing his head inside the water available at the spot, however, in the meantime, the wife of the informant had arrived there,



whereafter the petitioners had fled away.

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 informant has not sustained any injury whatsoever, hence the petitioners be granted the privilege of bail.

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 specific assertion of the learned counsel for the petitioners to the effect that the informant has not sustained any injury, though I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to verification of



the fact as to whether the informant has received any injury and further subject to such other conditions as may be deemed fit and proper to be imposed by the learned court of Judicial Magistrate-1st Class, Banka in connection with Katoriya P.S. Case No. 301 of 2022, G.R. No. 241 of 2022.

7. It is needless to state that in case the case diary along with injury report, upon being summoned by the learned Trial Court, is not produced, the learned Trial Court shall be free to initiate appropriate proceedings against the concerned Superintendent of Police and punish him suitably, in accordance with law.

8. The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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