

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58292 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Manoj Yadav @ Manoj Kumar Yadav Son of Chandradeo Prasad Yadav Resident of Village-Nabinagar, Kakrar, P.S.-Ariyari, Dist-Sheikhpura.
2. Gajendra Kumar Son of Chandradeo Prasad Yadav Resident of Village-Nabinagar, Kakrar, P.S.-Ariyari, Dist-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Ghosarvey

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 354B, 379, 566 and 504 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with co-accused Ajay Yadav assaulted brother of informant Bhagwan Mahto with bat and lathi causing head injury. Petitioner no. 2 along with four co-accused persons assaulted the informant due to which informant sustained injuries on his head, left arm and right leg.



4. It is submitted by the counsel for petitioners that there is general and omnibus allegation of assault and no specific overt act has been alleged against the petitioners. It is next submitted that both parties are close door neighbour and due to petty dispute a simple marpit took place in which both sides sustained injuries. Petitioners claim clean antecedent.

5. Counsel for State however opposed the prayer for bail and submitted that petitioner no. 1 along with co-accused collectively assaulted the informant and others, as a result of which brother of informant Bhagwan Mahto sustained grievous injury.

6. So far as the case of Manoj Yadav @ Manoj Kumar Yadav petitioner no. 1 is concerned, this petitioner caused grievous injury to the brother of informant Bhagwan Mahto, therefore, I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected.

7. Considering the facts aforesaid and the fact that there is general and omnibus allegation of assault against Gajendra Kumar petitioner no. 2, he therefore, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond



of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sheikhpura in connection with Ariyari P.S. Case No. 259 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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