

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56739 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

1. BHOLA YADAV Son of LATE GANGA YADAV Village- Dadpur PS- Magadh University Dist- Gaya
2. Vikki Kumar son of Devan Yadav Village- Dadpur PS- Magadh University Dist- Gaya
3. Photu Yadav @ Sanjeet Yadav son of Lallu Yadav Village- Dadpur PS- Magadh University Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 30-08-2023 At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioner no. 3 to enable him to surrender before the learned Trial Court and avail the privilege of regular bail. Liberty, so sought, is granted.
2. The present petition qua the petitioner no. 3 stands dismissed as not pressed.
3. Heard the learned counsel for the petitioners no. 1 and 2 and the learned A.P.P. for the State.
4. This is an application for grant of anticipatory bail in connection with Magadh University P.S. Case No. 147 of 2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 506 of the Indian Penal Code.



5. The allegation is regarding the accused persons including the petitioners herein having arrived at the house of the informant on the alleged date and time of occurrence, whereafter, they had assaulted the informant and his family members. Specific allegation is against the petitioner no. 3, who is stated to have assaulted one Birju Yadav, whereafter all the accused persons are stated to have assaulted the informant and his family members.

6. The learned counsel for the petitioners no. 1 and 2 submits that the petitioners no. 1 and 2 are innocent and they have been falsely implicated in the present case. It is further submitted that though the petitioners no. 1 and 2 are accused in two criminal cases and one criminal case respectively, but they are on bail in the said criminal cases. It is further submitted that a general and omnibus allegation has been levelled against the petitioners no. 1 and 2, hence, they be at least granted the privilege of anticipatory bail. It is also submitted that the present case arises out of case and counter case and the impugned order dated 6.6.2023 would show that the informant has sustained simple injuries.

7. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 1 and 2, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no. 1 and 2 and they have not been alleged to have engaged in any sort of specific overt act, apart from the fact that the informant has sustained simple injuries, I deem it fit and proper to admit the petitioners no. 1 and 2 to the privilege of anticipatory bail.

9. Accordingly, the petitioners no. 1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Magadh University P.S.Case No. 147 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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