

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61337 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- HABIBPUR District- Bhagalpur

1. GIRIDHARI YADAV SON OF LATE FAKIR YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
2. MIRA DEVI WIFE OF GIRIDHARI YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
3. SAMESH YADAV @ SOMESH KUMAR SON OF GIRIDHARI YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
4. RUPESH YADAV @ AJIT KUMAR SON OF GIRIDHARI YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
5. KAVITA KUMARI DAUGHTER OF GIRIDHARI YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
6. SUNITA DEVI @ SUNITA KUMARI WIFE OF MUKESH YADAV @ MUKESH KUMAR RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
7. NAVIN YADAV SON OF BRAHMDEO YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR
8. LAXMI DEVI WIFE OF NAVIN YADAV RESIDENT OF VILLAGE - SHAHJANGI NAVTOLIA, POLICE STATION - HABIBPUR IN THE DISTRICT OF BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Opposite Party/s : Mr.Anish Chandra, 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 Habibpur P.S. Case No. 206 of 2022, registered for the offences punishable under Sections 341, 323, 504, 379 and 308/34 of the Indian Penal Code.

3. The allegation is regarding the accused persons including the petitioners herein having had an altercation with the informant on account of land dispute, when both the parties had been called for the purposes of settlement, whereafter the accused persons are stated to have abused and assaulted the informant and his family members with stick, lathi, danda etc.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the accused persons and moreover, the injuries sustained by the informant have been found to be simple in nature, 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 fact that a general and omnibus allegation has been levelled against the petitioners, apart from the fact that the injuries sustained by the informant have been found to be simple in nature, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

7. Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/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/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate-1st Class-cum-Additional Munsif, Bhagalpur in connection with Habibpur P.S. Case No. 206 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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