

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63536 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- SHRI NAGAR District- Madhepura

1. Santosh Yadav @ Santosh Kumar Yadav S/O- Deo Narayana Yadav Village-
Puraini W.No-6, Ps- Srinagar Dist- Madhepura
2. Mantosh Yadav @ Mantosh Kumar Yadav Son Of Deo Narayan Yadav
Village- Puraini W.No-6, Ps- Srinagar Dist- Madhepura
3. Deo Narayan Yadav Son Of Bazi Lal Yadav @ Wazi Yadav Village- Puraini
W.No-6, Ps- Srinagar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Rashmi, Adv

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Srinagar P.S. Case No. 45 of 2023 registered for the offences punishable under Sections 341, 323, 379, 307, 354(B), 504, 506 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, informant Gunjan Devi, petitioner No. 1 Santosh Yadav is alleged to have assaulted with Dabiya causing cut injury at the head of informant, petitioner No.2 Mantosh Yadav torn her blouse and



petitioner No. 3 Deo Narayan Yadav snatched the gold-chain from her neck. There is allegation of assault to informant's Debar Pintu Yadav also by the accused persons. The occurrence took place for land dispute between the parties on 01.04.2023 at about 07:30 hours in the evening, as the petitioners along with 2-3 unknown persons came and started demolishing the Tatti of the house of informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a case and counter case between the parties with respect to the same occurrence and both sides have suffered injuries. The injuries are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted that there is a case and counter case between the parties with respect to the same occurrence, both sides have suffered injuries and the injuries are simple in nature, petitioners have no criminal antecedent, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named shall be released on



bail in connection with Srinagar P.S. Case No. 45 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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