

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65900 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Indu Devi @ Indu, Wife of Bhikhari Yadav @ Bihari Yadav R/o vill - Aamadarhi (Dullahpur), P.S. - Simri, Distt. - Buxar
2. Munna Yadav Son of Ram Niwas Yadav R/o vill - Aamadarhi (Dullahpur), P.S. - Simri, Distt. - Buxar
3. Anand Yadav Son of Ram Niwas Yadav R/o vill - Aamadarhi (Dullahpur), P.S. - Simri, Distt. - Buxar
4. Anil Yadav Son of Munna Yadav R/o vill - Aamadarhi (Dullahpur), P.S. - Simri, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate Mr. Rahul Nath, Advocate
For the State	:	Mr.Ganesh Prasad Singh, APP
For the Informant	:	Mr. Anand Kumar Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Buxar (Indu.) P.S. Case No.166 of 2023 registered for the offences punishable under Sections 147, 149, 341, 307, 323, 504 and 506 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 24.06.2023 at about 7.00 pm on account of land dispute all the accused persons including these petitioners having armed with sword,

garasa and lathi in their hand attacked on the informant and his sons. It is alleged that one Munna Yadav assaulted him by farsa on his head due to which he fell down. Anil Yadav assaulted the son of the informant by tangi on his head. Anand Yadav assaulted one Pramod Yadav by lathi on his head. Rajesh Yadav assaulted on Manish Kumar by tangi on his head. It is further alleged that Indu Devi, Bindu Devi and Arti Devi started throwing bricks due to which the hand of the informant was fractured. It is further alleged that Anand Yadav assaulted the informant by lathi due to which the leg of the informant was fractured and thereafter Anil Yadav fired from country made pistol in the air.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that there are general and omnibus allegations against all the petitioners. It is submitted that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it appears that there is general and omnibus

allegation against petitioner no.1 Indu Devi and the allegation against petitioner no.4 Anil Yadav is that he had fired from country made pistol in the air, the further allegation against him that he had assaulted Binod Yadav is not getting substantiated from any injury report as disclosed in paragraph '5' of the impugned order, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioner nos. 1 and 4 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar ((Ind.) P.S. Case No. 166 of 2023, 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 petitioner nos.1 and 4 and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. 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. So far as petitioner nos. 2 and 3 are concerned, considering that they are indulged in causing multiple injuries to

the informant and one Pramod Kumar, this Court is not inclined to grant privilege of anticipatory bail to them. Their prayer is refused.

9. In case the petitioner nos. 2 and 3 surrender and pray for regular bail in the learned court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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