

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65700 of 2022

Arising Out of PS. Case No.-441 Year-2022 Thana- FATEHPUR District- Gaya

1. SANJAY YADAV Son of Late Panu Yadav R/v- Salaiya, P.S.- Fatehpur, District- Gaya
2. RAMASHISH YADAV @ RAMASHISH KUMAR Son of Sanjay Yadav R/v- Salaiya, P.S.- Fatehpur, District- Gaya
3. MUKESH YADAV @ MUKESH KUMAR Son of Sanjay Yadav R/v- Salaiya, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners assaulted the informant's side by means of several weapons due to which they sustained injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. He further submits that the informant's family and petitioner's family are the co-sharer and co-villager and they have land dispute between them. No any incriminating articles has been recovered from the conscious possession of the petitioner or from the house of the petitioner. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 namely, Sanjay Yadav to assault the informant's husband by means of *khanti*, due to which he sustained grievous injuries.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is no specific allegation against the petitioner nos.2, and 3, let the above named petitioner nos.2. and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Fatehpur P.S. Case No.441 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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