

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80315 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- SONO District- Jamui

1. Mina Devi W/O Dukhi Yadav Resident Of Village- Naiyadhih, P.S.- Charkapathar, District- Jamui.
2. Sushila Devi W/O Khijan Yadav Resident Of Village- Naiyadhih, P.S.- Charkapathar, District- Jamui
3. Ajay Yadav @ Umesh Yadav S/O Gopal Yadav Resident Of Village- Naiyadhih, P.S.- Charkapathar, District- Jamui
4. Sikandar Yadav @ Sakindra Yadav Son Of Mahendra Yadav Resident Of Village- Naiyadhih, P.S.- Charkapathar, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mrs. Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.1, as she has already been arrested by the police, during pendency of this application.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, this application is being heard for consideration of anticipatory bail as against the petitioner nos.2,



3 & 4 only.

6. Heard learned counsel for the petitioners and learned APP for the State.

7. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 307, 504, 506 and 34 of the Indian Penal Code pending in the learned court below.

8. Allegation on the petitioners is that they have assaulted on the head of the informant and his family members.

9. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case between the parties. He submits that there is admitted land dispute between the parties. He further submits that there is no specific overt act against the petitioner nos.2 & 3. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

10. Learned APP for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner no.4 to assault the injured person, namely, Sadhu Yadav and injuries were found grievous in nature.

11. Considering the aforesaid facts and circumstances



and the fact that there is no specific overt act against the petitioner no.2 & 3, let the petitioner nos.2 & 3, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Sono (Charkapathar) P.S. Case No.447 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Insofar as petitioner no.4 is concerned, the injuries found upon the injured person are grievous in nature, in these facts and circumstances of the case I am not inclined to enlarge the petitioner no.4 on bail in connection with Sono (Charkapathar) P.S. Case No.447 of 2022. Accordingly, his prayer for bail is hereby rejected.

13. Hence, this application is partly allowed.

(Anjani Kumar Sharan, J)

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