

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1493 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. SURENDRA YADAV Son of Late Thakuri Yadav R/V- Jamuaha, P.S- Kumarkhand, Dist- Madhepura
2. Baikunth Yadav Son of Late Saryug Yadav R/V- Jamuaha, P.S- Kumarkhand, Dist- Madhepura
3. Mithilesh Yadav @ Mithilesh Kumar Son of Surendra Yadav R/V- Jamuaha, P.S- Kumarkhand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 148, 341, 323, 307 and 354(A)/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all the accused persons including the petitioners were cutting down the bamboo tree of Ganesh Yadav forcibly, armed with deadly weapons. Petitioner no.1, Surendra Yadav is alleged to have assaulted with rod causing injury at the head of Ganesh Yadav, petitioner no.2 Baikunth Yadav assaulted with rod causing injury at the head of



Rajesh Yadav, petitioner no.3 Mithilesh Yadav and co-accused Bimlesh Yadav assaulted with rod and lathi causing injury at the head of the informant and mother of the informant.

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 and both sides have sustained injuries. He submits that petitioners and informant are part of the same family, co-villagers, neighbours and Niz Gotiya. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposes the bail application and submits that the injury found upon the victim is grievous in nature and injury report is enclosed the case diary. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Kumarkhand P.S. Case No. 55/2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if petitioners surrender before the learned Court below within a period of six weeks from today and seek



regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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