

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75536 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BANDHUWA KURAWA District- Banka

1. Bindeshwari Yadav, aged about-38 years, Male, Son of Baleshwar Yadav,
 2. Dinesh Yadav, aged about- 44 years, Male, Son of Baleshwar Yadav,
 3. Rambriksha Yadav, aged about- 48 years, Male, Son of Baleshwar Yadav,
 4. Pintu Yadav @ Pintu Kumar Yadav, aged about- 22 years, Male, Son of Rambriksha Yadav,
 5. Anand Yadav @ Anand Kumar, aged about- 21 years, Male, Son of Dinesh Yadav,
 6. Anjali Devi @ Anjali Devi, aged about- 49 years, Female, W/o Rambriksha Yadav,
- All are Resident of Village - Hanumatta, P.S. - Bandhua Kurawa, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Dhananjay Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Abhay Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bandhuwa Kurawa P.S. Case No. 71 of 2023 registered for the offence punishable under Sections 341, 323, 3-07, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, six named accused persons had assaulted the brother and mother of the



informant by means of iron-rod, due to which, both of them had sustained injury and also snatched a mobile phone, rupees five thousand and a silver chain.

4. Learned counsel appearing on behalf of the petitioners submitted that from the perusal of the FIR it appears that no specific allegation has been made against the petitioners. General and omnibus allegation has been levelled against the petitioners. Though the injury which was caused is on vital part of the body but the same is simple in nature and not attributable to the petitioners. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the FIR, it appears that general and omnibus allegation has been levelled against the petitioner. The injuries which were caused to the brother and mother of the informant are on vital part of the body but the same are simple in nature and not attributable to the petitioners. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four 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 learned Chief Judicial Magistrate, Banka, in connection with Bandhuwa Kurawa P.S. Case No. 71 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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