

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69665 of 2022

Arising Out of PS. Case No.-397 Year-2022 Thana- MURLIGANJ District- Madhepura

1. RANDHIR YADAV SON OF LATE TAPESHWARI YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA
2. SHASHI YADAV SON OF LATE TAPESHWARI YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA
3. LALCHAND YADAV SON OF LATE TAPESHWARI YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA
4. BABUL KUMAR SON OF SHASHI YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA
5. DEEPAK KUMAR @ DEEPCHANDRA KUMAR SON OF SHASHI YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA
6. MITHAN YADAV SON OF SUBHASH YADAV R/O VILLAGE- KHARI, P.S.- MURLIGANJ, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioners no. 2 and 4 in order to enable them to surrender before the learned Court below and seek regular bail. Liberty, so sought, is granted.

The present petition qua the petitioners no. 2 and 4 stands dismissed as not pressed.

Heard the learned counsel for the petitioners and the



learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Murliganj P.S. Case No. 397 of 2022, registered for the offence punishable under Section 341, 323, 324, 379, 385, 307, 379, 447, 504 and 506/34 of the Indian Penal Code.

The accused persons are alleged to have arrived at the field of the informant while he was ploughing the same by means of a tractor on the alleged date and time of occurrence, whereafter the accused persons i.e. the petitioners herein had objected to the informant ploughing the field in question, whereafter the petitioner no. 2 had assaulted the informant while the petitioner no. 4 had assaulted the nephew of the informant resulting in them sustaining injuries.

The learned counsel for the petitioners no. 1, 3, 5 and 6 submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that no allegation of any sort of specific overt act has been levelled qua the aforesaid petitioners and merely, they are stated to be members of an unlawful assembly, hence, at least, the aforesaid petitioners be granted the privilege of anticipatory bail.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, considering the materials available on record and taking into account the fact that there is no allegation of any sort of overt act having been committed by the petitioners no. 1, 3, 5 and 6, I deem it fit and proper to admit the petitioners no. 1, 3, 5 and 6 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1, 3, 5 and 6 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Madhepura in connection with Murliganj P.S.Case No. 397 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

