

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71949 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- BISFI District- Madhubani

1. PHEKAN YADAV S/o Narayan Yadav R/v- Bisfi Bharan Tola, P.S.- Bisfi, District- Madhubani
2. BADRI YADAV @ BIDESH YADAV S/o Narayan Yadav R/v- Bisfi Bharan Tola, P.S.- Bisfi, District- Madhubani
3. UDESH YADAV S/o Shivji Yadav R/v- Bisfi Bharan Tola, P.S.- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Advocate
For the State	:	Mr.Umesh Lal Verma, APP
For the Informant	:	Mr. Gagandeo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bisfi P.S. Case No. 259 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379 and 504 of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 3 has already been arrested during the interregnum



period, hence the present petition qua the petitioner no. 3 is not being pressed.

Accordingly, the present petition qua the petitioner no. 3 stands dismissed as not pressed.

The allegation is regarding the accused persons including the petitioners herein having assaulted the informant when he was going for attending natural call and as far as the petitioner no. 1 is concerned, he is stated to have hurled a bomb on the informant and as far as the petitioner no. 2 is concerned, he is stated to have assaulted one Ragini Devi.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the overtact alleged to have been committed by the petitioners is not supported by the injury report, hence the petitioners be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State



has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record as also considered the FIR in question and the injury reports annexed by the petitioners in the present petition, from which it is absolutely clear that the accused persons including the petitioners had assaulted the informant and his family members by various means, resulting in them sustaining serious injuries. In such view of the matter, this Court finds that *prima facie* complicity of the petitioners in the alleged occurrence is writ large, hence I am not inclined to grant anticipatory bail to the petitioners herein, thus the present petition qua the petitioners no. 1 & 2 stands dismissed.

(Mohit Kumar Shah, J)

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