

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75197 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- GAMAHARIYA District- Madhepura

JAY PRAKASH YADAV Son of Late Baldeo Yadav R/V- Kaurihar, Ward no.
7, P.S- Gamhariya, dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Gamhariya PS case no. 123 of 2022,
registered for the offences punishable under Sections 307, 379
and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that when
the informant was engaged in construction of a boundary wall
over the land in question, by engaging labourers and mason, the
accused persons had arrived there and assaulted the informant
and one Braj Bhushan with rod causing injury on the head of the
said Braj Bhushan. The accused persons are also alleged to have
snatched money and jewellery from the informant.

The learned counsel for the petitioner submits that



petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to the injury caused to the said Braj Bhushan, who is stated to have been allegedly assaulted by the petitioner on his head by a rod, has further submitted that the injury does not appear to be serious in nature, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of anticipatory bail. It is also submitted that the present case arises out of case and counter case and admittedly, there is a land dispute in between the parties.

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 parties and taking into account the materials available on record as also considering the fact that the injury sustained by the aforesaid Braj Bhushan, is not only attributable to the petitioner but also to the co-accused person namely Bhushan Yadav, which appears to be simple in nature apart from the fact that the present case arises out of case and counter case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-II, Madhepura in connection with Gamhariya PS case no. 123 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

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

