

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4666 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

1. VIMLESH YADAV Son of Shiv Narayan Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016
2. VIJENDRA YADAV Son of Shiv Narayan Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016
3. SHAILESH YADAV @ SAILESH KUMAR YADAV Son of Shiv Narayan Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016
4. ABHISHEK KUMAR @ ABHISHEK YADAV @ GOLU YADAV Son of Santosh Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016
5. AJEET YADAV @ SOKAN YADAV Son of Tej Narayan Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016
6. AJAY KUMAR YADAV @ AJAY YADAV Son of Binod Yadav Resident of- Ahirauli, P.S.- Buxar (Industrial Area), District- Buxar- 802016

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Mayuri
For the Opposite Party/s :	Mr. Ajit Kumar
	Mr. Rajiv Ranjan Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned APP for the State.

Vide order dated 27.03.2023, the bail application as against the petitioner no.5 namely, Ajeet Yadav was dismissed as withdrawn.

As such, this application is now being heard with respect to the rest of the petitioners.



The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and section 27 of Arms Act.

The allegation against the petitioners is that the petitioners assaulted the informant's side by means of several weapons due to which they sustained injuries.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. She submits that the petitioners are family members and have been implicated intentionally to malign their reputation as the informant had dispute with Shiv Narayan Yadav. No allegation of use of Arms has been made against the petitioners. One Rohit Yadav is said to have used firearm in the statement of the informant. Learned counsel for the petitioners filed a supplementary affidavit and has stated in para-3 that due to inadvertent typographical error it has been mention in para-3 of the bail application that the petitioners are



of clean antecedent except petitioner no.1 and 3 against who had been made accused in one case each in place of petitioner no.1 and 2. She further submits that the details of the criminal antecedents of the petitioners are mentioned in para-5 of the supplementary affidavit.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against the petitioner nos.1 and 6 namely, Vimlesh Yadav and Ajay Kumar Yadav respectively, to assault the injured persons due to which they sustained grievous injuries.

Having regard to the facts and circumstances of the case as the nature of injuries attributed toward the petitioner nos.1 and 6 is grievous in nature, I am not inclined to enlarge the petitioner nos.1 and 6 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is general and omnibus allegation against the petitioner nos.2, 3 and 4, let the above named petitioner nos.2, 3 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 the learned court below where the case is pending/Successor Court in connection with Buxar (Industrial Area) P.S. Case No.175 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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