

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2819 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- BARHARA District- Bhojpur

1. RAJESH YADAV SON OF LATE SHIV SHANKAR YADAV R/O VILL.-
PADMINIYA, P.S.- BARHARA (KRISHNAGARH), DISTT.- BHOJPUR
2. RAKESH YADAV @ RAKESH KUMAR YADAV SON OF LAXUMAN
YADAV R/O VILL.- PADMINIYA, P.S.- BARHARA (KRISHNAGARH),
DISTT.- BHOJPUR
3. UPENDRA YADAV @ UPENDRA KUMAR YADAV SON OF LOBHI
YADAV R/O VILL.- PADMINIYA, P.S.- BARHARA (KRISHNAGARH),
DISTT.- BHOJPUR
4. RAJU YADAV SON OF BHUTELI YADAV R/O VILL.- PADMINIYA,
P.S.- BARHARA (KRISHNAGARH), DISTT.- BHOJPUR
5. SURENDRA YADAV SON OF RAMAYAN YADAV R/O VILL.-
PADMINIYA, P.S.- BARHARA (KRISHNAGARH), DISTT.- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 341, 323, 325, 307, 504, 506 of the Indian Penal Code.

As per the prosecution case, all the F.I.R. named accused persons including petitioners abused and assaulted the informant on his head by means of *lathi*, *danda*, iron rod and *butt* of gun, due to which, he received several injuries. It is further alleged that petitioner no. 1 fired in air to threaten the informant.



It is submitted on behalf of petitioners that due to previous enmity, a simple Maarpit took place, in which, both sides sustained injury. There is case and counter case. It is further submitted that injuries caused to the informant is not on vital part of the body and as such, no case under Section 307 of the I.P.C. is made out against petitioners.

However, learned A.P.P. for the State opposes the bail petition and submits that petitioners are named in the F.I.R. and there is specific allegation against these petitioners that they committed assault with deadly weapons on the informant and most of the injuries are grievous in nature.

Considering the nature of injury, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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