

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81618 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- CHHATAPUR District- Supaul

1. MITHILESH KUMAR @ MITHILESH YADAV S/O LATE CHANDRA KISHOR YADAV VILLAGE- NARHAIYA, WARD NO. 09, PS. CHHATAPUR, DIST. SUPAUL.
2. SUBHASH YADAV S/O LATE CHANDRA KISHOR YADAV VILLAGE- NARHAIYA, WARD NO. 09, PS. CHHATAPUR, DIST. SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 325, 326, 354, 307, 504, 506 of the IPC.

3. As per the prosecution case, on the order of the co-accused Vinod Yadav, petitioner no.2 put the rope around the neck of the informant and started pressing and it is alleged that petitioner no.1 gave rod blow on the wrist of the informant's brother.

4. 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 due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. One of the injury of the injured brother of the informant has been found grievous in nature and the injury of the informant has been found simple in nature. Petitioners have two criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioner no.1 to assault the brother of the informant by rod and one of his injury has been found grievous in nature.

6. Having regard to the facts and circumstances of the case and considering that petitioner no.2 is alleged to have assaulted the informant and injury was found simple in nature, let the above named petitioner no.2, be released on bail, in the event of his 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) 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 Chhatapur P.S. Case No.170 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. However, considering that the petitioner no.1 is alleged to have assaulted the brother of the informant and one of the injury was found grievous in nature, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

