

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12824 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- PIRPAINTI District- Bhagalpur

1. Ganga Sagar Yadav son of Shiv Nath Yadav R/o- Vikramshila Nagar W.No-6, Ps- kahalgaon Dist- Bhagalpur
2. Pramod Kumar Yadav son of Shiv Nath Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
3. Ambika Yadav son of Ram Sakal Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
4. Subhash Yadav son of Rameshwar Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
5. Mantu Yadav son of Tej Narayan Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
6. Sanjay Kumar Yadav @ Sanjay Kumar son of Raj Kumar Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
7. Dhanpal Yadav @ Dharampal Yadav son of Ram Vilash Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur
8. Vijay Yadav son of Gopichand Yadav R/o- Topra Tola Ps- Pirpaiti Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal
For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no. 2, Pramod Kumar



Yadav.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 2.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 148, 147, 149, 341, 323, 324, 307, 504, 506, 379 and 120B of the Indian Penal Code read with Section 27 of the Arms Act.

6. Learned counsel for the petitioners submits that petitioners have antecedent of five cases but then the cases have been instituted by the side of the informant. It is next submitted that on account of dispute relating to land, the present occurrence is alleged to have taken place. It is further submitted that it were the side of the informant who were aggressors and on account of dispute relating to land, an altercation took place in which both side assaulted each other. It is next submitted that no doubt seven persons from the side of the informant are alleged to have been injured, but then from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of assault is alleged against the accused persons. It is submitted that it may be a possibility that out of



the named accused persons, some may not have participated or were mere mute witnesses to the occurrence. It is also submitted that it is not the case of the informant that petitioners are related to each other, rather petitioners are villagers and the informant was having dispute relating to land with petitioner no. 1. It is next submitted that the petitioners will not abscond rather will co-operate in the investigation

7. Learned A.P.P. for the State along with learned counsel for the O.P. No. 2 vehemently opposes the prayer for anticipatory bail of the petitioners and submits that though there is no specific allegation of assault against any of the accused persons but then seven persons have received injuries and some of the injuries are grievous and are on vital part of the body. It is also submitted that the investigation is going on, on which the learned counsel for the petitioners submits that even petitioners have given an undertaking that they will not abscond rather will co-operate in the investigation.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pirpaiti P.S. Case No. 263 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

10. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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