

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11364 of 2024

Arising Out of PS. Case No.-510 Year-2023 Thana- BELAGANJ District- Gaya

1. Rohit Kumar Son of Saryu Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
2. Pintu Yadav @ Pintu Kumar Son of Gulabchand Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
3. Pinki Devi Wife of Ram Pravesh Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
4. Gulabchand Yadav Son of late Tulsi Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
5. Saroja Devi @ Saroj Devi Wife of Saryu Prasad @ Saryu Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
6. Sushma Devi @ Sushma Kumari D/O Saryu Prasad @ Saryu Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
7. Manjay Kumar Son of Rameshwar Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
8. Rameshwar Yadav Son of late Tulsi Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya
9. Jaiyanti Devi @ Devmati Devi @ Jyanti Devi Wife of Rameshwar Yadav Resident of village-Netupur, P.S.-Belaganj, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 23-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Belaganj P.S. Case No. 510 of 2023 registered for the offences punishable under Sections 323, 341, 504, 308 and 34 of the Indian Penal Code.



3. As per prosecution case, Rohit Kumar (petitioner no.1) and Pintu Yadav (petitioner no.2) started throwing soil and mud in the street of informant. It is further alleged that petitioners started assaulting informant by means of lathi-danda, brick and stone and on raising alarm by the informant, informant's father-in-law (Rupu Yadav), informant's son and informant's daughter came to save her then all the accused persons also started assaulting them. It is further alleged that informant's father-in-law and daughter of the informant were assaulted upon their head as a result of which their head sustained injury and informant's son also sustained injury on head.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners nos. 3 and 4 bear criminal antecedent of one case in which they are on bail and petitioner nos. 1,2,5,6,7,8 and 9 bear no criminal antecedent. He further submits that there is case and counter case between both the parties on the same date of occurrence and petitioner no. 5 has filed earlier case against the informant and other and the present case is nothing but the counterblast of earlier case filed by the petitioner no.5. He further submits that there is no specific allegation against any of the petitioners rather the same is general and omnibus in nature. It is further orally submitted by learned counsel for the petitioner that there are three injured persons



out of which two persons sustained superficial injury which is simple in nature and nature of injury of Rupu Yadav, who sustained grievous injury, is at the back portion of buttock and wrist which is also not the vital part of the body.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 510 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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