

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9300 of 2024

Arising Out of PS. Case No.-246 Year-2021 Thana- KUMAR KHAND District- Madhepura

1. Kumod Yadav @ Kumod Kumar SON OF DHANESHWAR YADAV
RESIDENT OF VILLAGE- GURIYA, WARD NO. 14, PS-
KUMARKHAND, DISTT- MADHEPURA
2. RAM PRABASH YADAV @ RAM PRAVESH KUMAR SON OF YOGI
YADAV RESIDENT OF VILLAGE- GURIYA, WARD NO. 14, PS-
KUMARKHAND, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-07-2024 Heard Mr. Ramesh Kumar Singh, learned Counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kumarkhand P.S. Case No. 246 of 2021 for the offence registered under sections 341, 323, 325, 307, 354, 506, 302 and 34 of the Indian Penal Code lodged on 03.09.2021 by the informant, Radhey Yadav.

3. As per the prosecution story, the informant along with the family members sitting at the door when the accused persons who are neighbours came and started abusing/assaulting due to previous enmity. The allegation is that the brother of the informant, Kailu Yadav was surrounded and the petitioner no. 1,



Kumod Yadav along with Sanoj Yadav assaulted him and further petitioner no. 2 assaulted the daughter of the informant whereas the petitioner no. 1, Kumod Yadav gave iron-rod blow on the head and the hand. This followed the F.I.R., the injured were taken to Primary Health Centre, Kumarkhand and then to Madhepura for the treatment.

4. Learned Counsel for the petitioners submit that there is a case and counter case, the F.I.R. has been exaggerated, the two petitioners have no criminal history, earlier, the police submitted final form against them while submitting charge sheet against other accused persons but now the Court has taken cognizance.

5. Learned APP for the State, on the other hand, points out there is specific allegation of assault against the petitioner no.1, Kumod Yadav again, there is allegation of assaulting the daughter of the informant and it is surprising that the final form was submitted against the two petitioners.

6. Considering the allegation that has come in the F.I.R. itself against the two petitioners, it would be appropriate that they seek bail.

7. The anticipatory bail application stands rejected.

8. However, if the petitioners surrender within a



period of four weeks from today, the Court concerned shall take up the matter and dispose of the same preferably on the same day.

(Rajiv Roy, J)

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