

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10840 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- TANKUPPA District- Gaya

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1. Baliram Kumar S/O Phulchand Yadav @ Phuchan Yadav R/O Village- Simrahi, Ps.- Tankuppa, Distt. Gaya.
 2. Kapil Yadav S/O Muneshwar Yadav R/O Village- Simrahi, Ps.- Tankuppa, Distt. Gaya.
 3. Sarju Yadav @ Saryu Yadav S/O Late Mangu Yadav @ Mangal Yadav R/O Village- Simrahi, Ps.- Tankuppa, Distt. Gaya.
 4. Rajesh Kumar S/O Sarju Yadav @ Saryu Yadav R/O Village- Simrahi, Ps.- Tankuppa, Distt. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Tankuppa P.S. Case No. 52 of 2023, dated 16.03.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 337, 427 and 379 of the Indian Penal Code.

3. As per prosecution case, the petitioners and others are said to have assaulted the informant and his brother. It is also alleged that they abused informant's father and also assaulted his mother by means of bricks.

4. Learned counsel for the petitioners submits that there is a case and counter case between both the parties on the same date of occurrence. The father of the petitioner no. 1 has filed a case earlier against the informant of present case and others and the present case is nothing but the counter blast of the earlier case filed by the father of the petitioner no. 1. The allegation against the petitioners are general and omnibus in nature and there is no specific allegation against any of the petitioners and there are three injuries upon the informant which are simple in nature, except injury on head which indicates that findings suggestive of normal CT Brain study and regarding other injured persons, no visible injuries were found by the doctor. In the present case, no offence under Section 307 of the I.P.C. is made out against the petitioners, as free fighting cannot be ignored in the cases of said nature.

5. Learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides, allegations are general and omnibus in nature 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 Additional Chief Judicial Magistrate-III, Gaya in connection with Tankuppa P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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