

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23086 of 2024

Arising Out of PS. Case No.-917 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. ABHAY YADAV S/O AWADH LAL YADAV R/O VILLAGE- INDRWA
ABDULLAH, P.S AND DISTT.- GOPALGANJ.
 2. POONAM DEVI W/O AWADH LAL YADAV R/O VILLAGE- INDRWA
ABDULLAH, P.S AND DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2024 1. Heard learned counsel for the petitioners and Mr.
Rabindra Kumar learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307 and 379/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the informant. It is
further submitted that from perusal of the allegation as alleged
in the FIR, It would manifest that the occurrence is alleged to
have taken place on account of dispute relating to cutting of soil
from the land. It is next submitted that allegation against the
petitioner no. 1 is of assaulting Sri Ram Yadav (Sri Ram



Chaudhary) by Gandasa causing deep cut on his hand and as far as allegation against the petitioner no. 2, who is a woman, is concerned, the same is general and omnibus in nature. Learned counsel also draws the attention of the Court to Annexure-3 of the anticipatory bail application which contains the injury report of Sri Ram Yadav and from perusal of the same, it manifests that the injury no. 1, 2 and 3 are simple in nature and injury no. 4 is said to be grievous but then is caused by hard blunt substance. It is thus submitted that if petitioner no. 1 had assaulted Sri Ram Yadav with Gandasa causing deep cut injury then how in the injury report, it is recorded that the injury was caused by hard blunt substance which amply demonstrates that petitioner no. 1 did not assault by any sharp edged weapon. It is submitted that allegation of assault is also against other accused persons and it appears that the informant for reasons best known implicated the petitioner no. 1 alleging that he assaulted by a sharp edged weapon. Learned counsel further submits that petitioners are not the criminals and even the injury is not on vital part of the body.

4. Mr. Rabindra Kumar, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 Court below 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 court below where the case is pending/successor court in connection with Gopalganj Town P.S. Case No. 917 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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