

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30073 of 2024

Arising Out of PS. Case No.-411 Year-2023 Thana- SONO District- Jamui

1. Shubhash Yadav @ Shubhash Kumar Yadav S/o Ramnaresh Yadav Resident of Village Charkapathar, P.S. - Sono, Distt. - Jamui
2. Brahmdev Yadav @ Brahm Yadav S/o Late Shukar Yadav Resident of Village Charkapathar, P.S. - Sono, Distt. - Jamui
3. Ramnaresh Yadav S/o Late Debu Yadav Resident of Village Charkapathar, P.S. - Sono, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niranjana Parihar, Advocate
For the State	:	Mr. Parmanand Kumar, APP
For the informant	:	Mr. Vikramdit, Advocate
		Mr. Saroj Kr Choudhary, Advocat

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

6 06-09-2024 Heard learned counsel for the petitioners. learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Sono (Charkapathar) P.S. Case No. 411 of 2023 dated 22.11.2023 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, the petitioners with other accused persons armed with weapon, iron rod, lathi etc. surrounded the informant, his brother-in-law(jija) and his *Bhagin Damad* and assaulted them. Thereafter at the behest of co-accused, namely,



Mahendra Yadav, the petitioner nos. 1 & 2 assaulted his brother-in-law by means of sword, due to which he sustained injuries in his hand and head. It is alleged that petitioner no. 3, namely, Ramnaresh Yadav assaulted his brother-in-law by means of iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegation against petitioner nos. 1 & 2 is that they assaulted the brother-in-law of the informant by means of sword. So far allegation against petitioner no. 3 is concerned, he assaulted the brother-in-law of the informant by means of iron rod. True fact is that the informant has taken two lakh rupees from the petitioner no. 2, namely, Brahmdev Yadav with condition to sale the land of Charkapathar, but the informant did not execute the sale deed in his favour. When the petitioner no. 2 put pressure to execute the deed, the informant made quarrel and lodge the instant false case. Learned counsel for the petitioners further submits that similarly situated co-accused, namely, Mahendra Yadav has already been granted bail vide order dated 21.05.2024 passed by this Court in Criminal Miscellaneous No. 30856 of 2024. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State as well



as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that there is specific allegation against the petitioners which is corroborated by injury report. He further submits that petitioner nos. 1 & 2 assaulted the informant's brother-in-law by means of sword. In the injury report of the informant's brother-in-law, the doctor opined that injury nos. 1 to 4 are caused by sharp substances and injury no. 5 is caused by hard and blunt substance.

6. Since there is specific allegation against petitioner nos. 1 & 2 of assaulting the informant's brother-in-law by means of sword, this Court is not inclined to extend the privilege of anticipatory bail to petitioner nos. 1 & 2, namely, Shubhash Yadav @ Shubhash Kumar Yadav and Brahmdev Yadav @ Brahmdev Yadav.

7. According, the prayer for anticipatory bail on behalf of petitioner nos. 1 & 2, namely, Shubhash Yadav @ Shubhash Kumar Yadav and Brahmdev Yadav @ Brahmdev Yadav is **rejected**.

8. So far petitioner no. 3 is concerned, having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner no. 3, namely, Ramnaresh Yadav within a period of six weeks from today, in connection with Sono



(Charkapathar) P.S. Case No. 411 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Jamui, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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