

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31519 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Manoj Yadav @ Manoj Prasad Yadav Son of Late Vinda Rai Resident of Village- Raghapur, P.S.- Chiraiya, Dist.- East Champaran
2. Ashok Yadav @ Ashok Pd. Yadav Son of Late Vinda Rai Resident of Village- Raghapur, P.S.- Chiraiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-07-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, Petitioner No. 1 is alleged to have assaulted on the head of the informant by means of sword and Petitioner No. 2 along with co-accused Yashwant Kumar is alleged to have assaulted the father of the informant with lathi.

4. It is submitted by learned counsel appearing on behalf of the petitioners that these petitioners have falsely been implicated in this case. There is case and counter-case between



the parties and Chiraiya P.S. Case No. 339 of 2023 has been lodged by Petitioner No. 2 against the informant and others. Moreover, the injuries allegedly caused by Petitioner No. 2 have been found to be simple in nature. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that there is specific accusation of assault against these petitioners and injuries allegedly caused by Petitioner No. 1 have been opined to be grievous in nature.

6. Considering the aforesaid facts and circumstances and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to Petitioner No. 1 is rejected.

7. So far as Petitioner No. 2 is concerned, considering the rival submissions, simple nature of injuries sustained by the injured and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to Petitioner No. 2 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named Petitioner No. 2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class,



Sikrahana Motihari (East Champaran), in connection with Chiraiya P.S. Case No. 338 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. With the aforesaid observations and directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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