

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47093 of 2024

Arising Out of PS. Case No.-134 Year-2019 Thana- MURLIGANJ District- Madhepura

1. MAHESWARI YADAV Son of Late Thakur Yadav VILLAGE- BELO, P.S.- MURLIGANJ, DISTT.- MADHEPURA
2. SUNIL YADAV @ SUNIL KUMAR SON OF MAHESHWARI YADAV VILLAGE- BELO, P.S.- MURLIGANJ, DISTT.- MADHEPURA
3. SHARWAN THAKUR @ SANJAY KUMAR SANGAM SON OF MAHARAJ THAKUR VILLAGE- BELO, P.S.- MURLIGANJ, DISTT.- MADHEPURA
4. AKHILESH THAKUR @ AKHILESH KUMAR SON OF SUKHDEO THAKUR VILLAGE- BELO, P.S.- MURLIGANJ, DISTT.- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Murliganj P.S. Case No. 134 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 379, 307 of the IPC.

3. As per prosecution case, petitioners and others armed with spade, lathi, danda and dabia came at the informant's door and abused the informant's brother. It is further alleged that co-accused Maharaj Thakur assaulted the informant's brother



on head by means of spade. It is further alleged that petitioner no. 2 Sunil Yadav snatched Rs. 5,000/- from the pocket of informant's brother. It is further alleged that petitioner no. 1 Maheshwari Yadav snatched silver ornament worth Rs. 4,000/- from the neck of wife of informant's brother. It is further alleged that petitioner no. 3 Sharwan Thakur and others tore the blouse of wife of Tuntun.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to dirty village politics. There is no specific allegation of assault against any of the petitioners and thus, Section 307 of the IPC is not made out against them. He further submits that the allegation of snatching money and ornament is nothing but super-addition to make the offence graver. He further submits that after investigation police submitted final form against the petitioners and they were not sent up for trial whereas charge sheet has been submitted under Sections 341, 447, 323, 325, 354(A), 504, 34 of the IPC against other co-accused persons. He further submits that petitioners no. 1 and 2 have clean antecedent and petitioners no. 3 and 4 bear criminal antecedent of one case, which has been lodged by the same party, in which



they are on bail.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides 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 Judicial Magistrate, 1st Class, Madhepura in connection with Murliganj P.S. Case No. 134 of 2019, 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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