

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47543 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- DUMRA District- Sitamarhi

Bhisham Prasad Yadav @ Bhishm Prasad S/O Ram Surat Rai R/O Village-
Gopnathpur, P.S- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner, at the outset,
submits that inadvertently, at para-3 of the anticipatory bail
application, it has been pleaded that petitioner is a person with
clean antecedent when he has antecedent of one case.

4. It is next submitted that informant alleges that on 2-
5-2024 at 9:35 AM, when the informant along with others were
cutting bamboo in his bamboo clump, when the petitioner along
with other accused persons and 25-30 unknown male and



female accused came and started assaulting the informant and others with sharp weapons, *lathi* and *danda*, thereafter it is alleges that accused Bhisham and Dilip pressed his neck by towel and on alarm, villagers came for his rescue, who were also assaulted by the accused persons by *lathi*, *danda* and *farsa* and the accused persons also snatched two mobiles and golden chain.

5. Learned counsel for the petitioner submits that no doubt, an occurrence had taken place, but then there was an altercation on account of dispute relating to land in which both sides assaulted each other. It is further submitted that it does not appear probable that so many persons would have descended on the land of the informant where he claims to have been cutting the bamboo clump and the occurrence of the nature as alleged took place. It is next submitted that there is no specific allegation of assault against any of the accused, including the petitioner though petitioner along with Dilip are alleged to have pressed the neck of the informant with towel but then the said allegation is ornamental. It is also submitted that persons from the side of the petitioner were also injured.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dumra P.S. Case No. 194 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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