

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50020 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- HAYAGHAT District- Darbhanga

1. Shambhu Yadav @ Shamprabhu Yadav Son of Yodani Yadav R/O Vill- Fouram, P.S.- Hayaghat, Dist.- Darbhanga.
2. Binod Yadav Son of Yodani Yadav R/O Vill- Fouram, P.S.- Hayaghat, Dist.- Darbhanga.
3. Lalo Yadav Son of Late Chander Yadav R/O Vill- Fouram, P.S.- Hayaghat, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Ms.Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Hayaghat P.S. Case No. 67 of 2023 registered for the offences punishable under Sections 341, 323, 354, 308, 452, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 is said to have assaulted the informant by means of lathi upon her head as a result of which informant sustained head injury. Petitioner nos. 2 and 3 are said to have assaulted the informant upon her



body.

4. Learned counsel for the petitioners submits that from the perusal of F.I.R. it is clear that the occurrence took place on 18.05.2023 and the F.I.R. has been lodged on 26.05.2023. He further submits that there is inordinate delay of eight days in lodging the F.I.R. and no plausible explanation has been given by the informant regarding the said delay which doubts about the authenticity of the prosecution story. He further submits that there is case and counter case between the parties on the same date of occurrence and in such type of cases free fighting cannot be ignored. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners. He further submits that the specific allegation of assaulting the informant upon her head by means of lathi is against petitioner no. 1 and the same is supported and corroborated by the injury report of informant, as mentioned in impugned order.

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 petitioner nos. 2 and 3 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 A.C.J.M. - 06, Darbhanga in connection with Hayaghat P.S. Case No. 67 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as anticipatory bail prayer of petitioner no. 1 Shambhu Yadav is concerned, considering the nature of allegation levelled against petitioner no. 1 which is also supported and corroborated by the injury report of informant, as mentioned in impugned order, I am not inclined to grant privilege of anticipatory bail to him. Accordingly, his prayer for anticipatory bail is hereby rejected.

8. However, the petitioner no. 1 is directed to surrender before the concerned court within six weeks from the date of receipt of the order. If petitioner no. 1 surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this court.



9. The application stands disposed of.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

