

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50449 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- KONCH District- Gaya

1. Mahesh Yadav Son of Late Kail Yadav Resident of Village - Dhamkava, P.S.- Paraiya, Distt.- Gaya, At present Resident of Village - Pandey Pokhar, P.S.- Konch, Distt.- Gaya.
2. Umesh Yadav Son of Late Kail Yadav Resident of Village - Dhamkava, P.S.- Paraiya, Distt.- Gaya, At present Resident of Village - Pandey Pokhar, P.S.- Konch, Distt.- Gaya.
3. Rubi Devi Wife of Umesh Yadav Resident of Village - Pandey Pokhar, P.S.- Guraru, Dist.- Gaya, At present Resident of Village - Pandey Pokhar, P.S.- Konch, Distt.- Gaya.
4. Chotu Kumar Son of Late Kail Yadav Resident of Village - Pandey Pokhar, P.S.- Guraru, Dist.- Gaya, At present Resident of Village - Pandey Pokhar, P.S.- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 391/2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no.1 is said to have assaulted upon the head of the informant by means of iron rod as a result of which, informant sustained injury and



petitioner no.2 assaulted upon head of the informant's son as a result of which, he sustained injury. It is further alleged that petitioner no.4 assaulted upon the arm and back of Sakuntala Devi and petitioner no.3 is said to be member of mob as alleged in FIR.

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. The petitioners bear no criminal antecedent. The occurrence took place on 20.8.2023 at 7:00 A.M. but F.I.R was lodged on 22.8.2023 at 2:30 P.M. and no plausible explanation has been given regarding the said delay in lodging the F.I.R. which arises question upon the authenticity of the F.I.R. Learned counsel for the petitioners further submits that all the injuries are simple in nature, caused by hard and blunt substance. He further submits that in light of the aforesaid facts, no offence is made out against the petitioners under section 308 and other sections of I.P.C. as alleged in the FIR and section 379 of I.P.C. is ornamental in nature.

5. The 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, keeping in view clean antecedent of petitioners, 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 the learned Judicial Magistrate 1st Class, Gaya, in connection with Konch P.S. Case No. 391 of 2023, 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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