

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59017 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- BHAIROGANJ District- West Champaran

1.

Dippu Yadav @ Dippu Kumar Yadav S/O Basant Yadav R/O Village-Sirauna Kata,PS- Bhairoganj, District- West Champaran
2.

Dwarika Yadav S/O Late Raghunath Yadav R/O Village-Sirauna Kata,PS- Bhairoganj, District- West Champaran
3.

Ramjitan Yadav S/O Pujan Yadav R/O Village-Sirauna Kata,PS- Bhairoganj, District- West Champaran
4.

Hira Yadav S/O Bhagat Yadav R/O Village-Sirauna Kata,PS- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

304-10-2024

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to the petitioner no. 4, Hira Yadav who has already been arrested.

Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 4.

3. The petitioners are apprehending their arrest in a



case in connection with Bhairoganj P.S. Case No. 18 of 2024 dated 22.04.2024 registered for the offences punishable under section 341, 342, 323, 324, 325, 307, 354B, 504, 509 and 34 of the Indian Penal Code.

4. As per the prosecution case, on 22.04.2024 at about 07:00 am, the informant and his family members were standing at their door, the petitioners and the co-accused persons came there and started abusing and assaulting the informant with lathi, rod due to which his ribs and bone of leg got broken. It is further alleged that the accused persons made the informant, his brother and mother injured by assaulting after tying them with the pole with intention to kill after dragging them at the door of Shivdhari Yadav.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the possession of the petitioners. As per the medical report of the injured, the injury is stated to be grievous in nature which is on non vital part of the body. The petitioners have no intention to cause death of the informant hence, section 307 is not made out against the petitioners. The co-accused persons have already been granted regular bail by this court vide order dated



12.08.2024 passed in Cr. Misc. No. 46396 of 2024. The petitioner nos.1 and 2 have one criminal antecedent and petitioner no. 3 has no criminal antecedent as stated in para 2 of the supplementary affidavit filed on behalf of the petitioners.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran, in connection with Bhairoganj P.S. Case No. 18 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail



*bond of the petitioner is liable to be
cancelled.*

8. This application stands allowed.

(Chandra Prakash Singh, J)

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