

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59232 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- JAYRAMPUR District- Sheikhpura

Manish Kumar S/O Sanjay Yadav R/O Village- Toygarh, P.S- Jairampur,
Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar Choudhary, Adv.
For the informant	:	Mr. Jitendra Kumar, Adv.
		Mr. Shardanand, Adv.
		Mr. Shivam, Adv
For the Opposite Party/s :		Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner is apprehending his arrest in connection with Jairampur P.S. Case No. 81 of 2023 dated 27.12.2023 registered for the offences punishable u/ss 147, 148, 149, 323, 324, 325, 379, 427 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant's goat was killed by the co-accused, Nikhil Kumar @ Rakesh Kumar by throwing down. When the informant's brother Sadhu Yadav went to the house of the co-accused, Nikhil Kumar to make complaint and he reached near Thakurbari then the co-accused



persons were already present there and they assaulted him with intent to kill and also abused him. The co-accused, Jitesh Yadav @ Mutar Yadav assaulted the informant's brother with axe causing head injury. The co-accused, Ramesh Yadav assaulted the informant's brother Sadhu Yadav with iron rod causing fractured injury to his hand. In the meantime, Mukesh Yadav came to rescue him then the co-accused, Ramesh Yadav assaulted him badly with iron rod due to which he sustained head injury. The petitioner, Manish Kumar assaulted the informant with iron rod causing head injury. The co-accused, Rahul Kumar assaulted Baiju Yadav with iron rod causing head and hand injuries. The co-accused, Nikhil Kumar and Radharaman assaulted the informant's brother Anil Yadav and snatched Rs. 15,000/- and golden locket. Thereafter, people gathered there then the co-accused, Jitesh Kumar fled away by making open fire.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to land dispute. There is case and counter case between the parties. Nothing has been recovered from the conscious possession of the petitioner. As per the supplementary report of the injured, Anil Yadav, the injury is normal in nature



caused by hard and blunt object. No injury of Sadhu Yadav is available on the record. It is further submitted that as per the impugned order, Surender and Mukesh has sustained injuries which are stated to be grievous in nature. The petitioner is alleged to have caused injury to the informant but the said injury has not been mentioned in the impugned order. The co-accused persons have already been granted anticipatory bail by this court vide order dated 30.08.2024 passed in Cr. Misc. No. 41711 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sheikhpura, in connection with Jairampur P.S Case No. 81 of 2023, 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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