

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58523 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- SAHPUR District- Bhojpur

1. Kanhaiya Yadav, Son of Dina Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.
2. Vikash Kumar Yadav @ Vikash Yadav, Son of Nand Bihar Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.
3. Santosh Yadav, Son of Lalan Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.
4. Ramesh Kumar Yadav @ Ramesh Yadav, Son of Rajendra Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.
5. Nand Bihari Yadav, Son of Late Anjor Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.
6. Sangita Devi, Wife of Nand Bihari Yadav, R/O Vill.- Suhiya, P.S.- Shahpur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-10-2024 Heard Mr. Anil Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Shahpur P.S. Case No. 68 of 2024 registered under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the



petitioners had assaulted the informant, her husband and her son, due to which the informant side sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submits that there is case and counter case between the parties for the same incidence and in self-defence, the petitioners may have caused some injury to the informant side. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties for the same incidence and in self-defence, the petitioners may have caused some injury to the informant side, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Shahpur P.S. Case No. 68 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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