

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67065 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- MAHKAR District- Gaya

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1. Raj Ballam Yadav @ Raj Balam Singh S/O Late Gulab Chand Yadav @ Late Gulab Chand Singh R/O Village- Kurwa, P.S- Mahkar, Distt.- Gaya.
 2. Vidyapati Devi W/O Raj Ballam Yadav @ Raj Balam Singh R/O Village- Kurwa, P.S- Mahkar, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mahkar Police Station Case No. 67 of 2024, dated 28.03.2024, disclosing offences under Sections 341/323/308/354/379/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 27.03.2024, while the informant was returning after closing his shop, he was intercepted by the petitioner no. 1, who abused and assaulted him and the petitioner no. 2, who is wife of petitioner no. 1, ordered to kill the informant. Upon which, the petitioner no. 1 assaulted the



informant by means of rod on his head due to which he sustained injury.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to previous dispute between the parties. He next submits that allegation against the petitioner no. 1 is that he assaulted the informant on his head, whereas, from the injury report of the informant annexed at Annexure-3, it appears that he sustained injury on his wrist and left leg and doctor has opined the nature of injury as simple. He further submits that a counter case, bearing Mahkar Police Station Case No. 71 of 2024, has also been lodged by the side of the petitioners against the informant and others, in which, the petitioner no. 1 has sustained injury on his head. The injury found on the informant is not corroborated by allegation made in the First Information Report.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is case and counter-case between the parties having previous dispute and injury sustained by the informant is simple in nature, I am inclined to grant the petitioners



privilege of anticipatory bail.

6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Mahkar Police Station Case No. 67 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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