

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71164 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Anandpur District- Banka

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1. Pramod Yadav @ Pramod Kumar Yadav Son of Yogendra Yadav Resident Of Village -Tahakwani, P.S.- Anandpur, Distt.- Banka
 2. Rishi Yadav @ Rishi Kumar Yadav Son of Yogendra Yadav Resident Of Village -Tahakwani, P.S.- Anandpur, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2024 Heard Mr. Praveen Kumar, learned counsel for the
Petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Anandpur P.S. Case No. 10 of 2024 dated 13.05.2024 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 504 read with Section 34 of the Indian Penal Code.

3. As per the prosecution story, on 13.05.2024, the petitioners and other co-accused persons started abusing the informant and the petitioner no.2 gave axe blow on the head of the informant. When the informant's husband came to rescue her then petitioner no.2 assaulted him on the head. Petitioner no.1 assaulted by means of iron rod causing fracture in the hand. The petitioners and other co-accused persons also assaulted the mother-in-law and



children of the informant and in the meantime, they committed theft of gold jewellery of the informant. Co-accused, Amit Kumar disrobed the informant with the intent to outrage her modesty.

4. The main submissions advanced by learned counsel appearing for the petitioners are that as per the allegation, the petitioner no.1 is alleged to have assaulted the informant and her husband by an axe but no corresponding injury showing the use of axe in assaulting was found on the body of the so-called injured persons and their injuries have been opined to be simple in nature, in fact, the FIR of the instant matter is a counter blast of Anandpur P.S. Case No. 09 of 2024 lodged on behalf of petitioners' side against the prosecution party and both the parties are agnates and in between them, there is land dispute and the petitioners have fair and clean antecedent.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Heard both the sides and perused the FIR and case diary of this case. Though the injuries, found on the person of the informant and her husband have been opined to be simple in nature but considering the allegation as to first blow by the petitioner no.2 on the head of the informant and thereafter, second blow at the head of the informant's husband when he intervened to save the informant and as per the injury reports of the injured,



head injuries have been found on the said injured persons, in my opinion, it is not a fit case for anticipatory bail to the petitioner no.2, accordingly, his prayer stands rejected.

7. So far as the prayer of petitioner no.1 is concerned, as he is alleged to have assaulted at the left hand of the informant by an iron rod but there is no injury on the said part of the body of the informant as appears from her injury report, so, considering this fact, this court is inclined to grant the relief of anticipatory bail to the petitioner no.1. Accordingly, let the **petitioner no.1** named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Anandpur P.S. Case No. 10 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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