

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68725 of 2024

Arising Out of PS. Case No.-290 Year-2022 Thana- BAUNSI District- Banka

1. Mahesh Yadav Son of Bhagirath Yadav Resident of Village - Letwakura, P.S. - Bounsi, District - Banka
2. Chanchanand Yadav @ Panchanand Yadav Son of Katki Yadav Resident of Village - Letwakura, P.S. - Bounsi, District - Banka
3. Shankar Yadav Son of Katki Yadav Resident of Village - Letwakura, P.S. - Bounsi, District - Banka
4. Makar Yadav @ Ajavi Yadav Son of Katki Yadav Resident of Village - Letwakura, P.S. - Bounsi, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bounsi P.S. Case No. 290 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Prosecution case in short is that on two occasions i.e., 07-12-2022 and 08-12-2022, co-accused persons, including the petitioners have assaulted the informant and others.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. It is submitted that parties are agnates and there is subsisting land dispute between the parties. It is alleged against petitioner No. 1 that he has assaulted one Santosh Kumar by means of iron rod, whereas allegations against petitioner Nos. 2, 3 & 4 are general and omnibus. Petitioners bear clean antecedent.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner Nos. 2, 3 & 4 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bounsi P.S. Case No. 290 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. So far as petitioner No. 1, namely, Mahesh Yadav is



concerned, considering the specific allegation of assault by means of iron rod against him, this Court is not inclined to grant anticipatory bail to petitioner No. 1. Accordingly, prayer for grant of anticipatory bail is *rejected* as against petitioner No.1.

8. However, if the petitioner No.1 surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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