

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69462 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- BIKRAM District- Patna

1. Sunil Kumar @ Sunil Yadav (Male), aged about 50 years, Son Of Amvika Prasad Yadav, Resident Of Village - Jamalpur, P.S. - Bikram, District – Patna.
2. Ashok Kumar @ Ashok Yadav (Male), aged about 52 y ears, Son Of Amvika Prasad Yadav, Resident Of Village - Jamalpur, P.S. - Bikram, District – Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ghanshyam Tiwary, Advocate
For the Informant	:	M/S Usha Kumari Singh, Mrs. Sunidhi Vimal and Anil Kumar Sinha, Advocates
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-02-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bikram P.S. Case No. 255 of 2023 dated 02.06.2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 02.06.2023 at 6.30 P.M., the informant's husband being the owner of the rice mill



was standing near his mill. In the meantime, the co-accused Ravi Kumar, Ashok Kumar (petitioner no. 2) and his wife, Sunil Yadav (petitioner no. 1) and Ambika Prasad Yadav alongwith the co-accused assaulted him with an iron rod and lathi causing head and leg injuries and thereafter he fell on the ground. It is further alleged that the co-accused Ravi Kumar snatched gold chain from his neck, ring finger and cash of Rs. 25,000/- from his pocket. The informant reached near her husband and found in pool of blood. They also fired on her. Thereafter, police came and the injured was brought to Vikram Primary Health Centre and from there he was referred to P.M.C.H., Patna. The informant apprehends that the accused persons may kill her family members because they have connection with wine mafia and they always keep weapons with them. It is further alleged that the informant's husband earlier gave an application to the S.H.O., Vikram Police Station with regard to encroachment made by them near his rice mill which was removed by the Circle Officer, Vikram on the order of the Patna District Administration.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation



against the petitioners. There is no specific allegation of assault against the petitioners. It is further submitted that the informant and her family members have encroached on a government land since many years and when the petitioners and other co-accused persons alongwith the villagers opposed and informed the concerned authority with regard to the encroachment the informant has filed the present false case against the petitioners. It is further submitted that the injured were medically examined by the doctor and the doctor has found total seven injuries. There are two lacerated injuries and five swelling and grievous injuries was found on non-vital part of the body i.e., the hand. The petitioner no. 1 has one criminal antecedent and the petitioner no. 2 has three criminal antecedents as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of



the like amount each to the satisfaction of learned court concerned, Danapur, Patna in connection with Bikram P.S. Case No. 255 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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