

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69890 of 2024

Arising Out of PS. Case No.-732 Year-2023 Thana- AMARPUR District- Banka

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1. Ashok Kumar Yadav @ Ashok Yadav S/o- Jagdish Yadav Village- Kaitha P.S-Fullidumar, District- Banka
 2. Mirtunjay Yadav @ Mrityunjay Kumar Son of Ashok Yadav @ Ashok Kumar Yadav Village- Kaitha P.S-Fullidumar, District- Banka
 3. Bijli Devi Wife of Ashok Kumar Yadav @ Ashok Yadav Village- Kaitha P.S-Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to
withdraw this application in respect of petitioner no.1.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn
in respect of petitioner no.1.

5. Now this application survives for petitioner nos. 2 & 3.

6. The petitioners apprehend their arrest in connection
with Amarpur (Fullidumar) P.S. Case No. 732 of 2023 registered
for the offences punishable under Sections 341, 323, 379, 354,



504, 506, 34 of the Indian Penal Code.

7. Allegedly, all the FIR named accused persons including the petitioners are said to have assaulted the informant and her family members brutally due to which they sustained injuries.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are next door neighbours and there is dispute over the passage of *Gali* between them. Nothing specific has been attributed against the petitioners. It is further submitted that petitioners have no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposes the prayer for bail and submits that there is allegation against the petitioners to assault the informant and her daughter Gunjan Kumari by means of brick and as per the injury report of injured Gunjan Kumari, she has sustained grievous injury. Hence, the petitioners do not deserve the privilege of anticipatory bail.

10. Having regard to the facts and circumstances of the



case, since there is general and omnibus allegation against the petitioners, let the above named petitioner nos. 2&3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Amarpur (Fullidumar) P.S. Case No. 732 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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