

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80714 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- BIHIA District- Bhojpur

1. Akhilesh Yadav @ Ankur Kumar S/o- Rameshwar Singh @ Ram Ishwar Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
2. Jai Prakash Yadav @ Jai Prakash Singh @ Jayprakash Singh S/o- Rameshwar Singh @ Ram Ishwar Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
3. Rameshwar Singh @ Rameshwar Yadav @ Ramishwar Yadav @ Ramishwar Singh @ Ram Ishwar Yadav S/o- Bishundayal Singh @ Late Bishundayal Singh @ Late Vishun Dayal Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
4. Ganesh Yadav @ Ganesh Kumar Singh S/o- Rameshwar Singh @ Ram Ishwar Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
5. Lal Kumar @ Lav Kumar Yadav @ Law Kumar Yadav @ Lav Kumar S/o- Late Bhagawati Singh Yadav @ Late Bhagwati Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, APP.
Mr. Prabhat Kumar Singh, Adv.
Ms. Priya, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 504, 506, 307, 379, 337 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons including the petitioners along with 10-15 unknown persons are said to



have assaulted the informant's side brutally by means of deadly weapons due to which they have sustained injuries.

4. It is submitted by learned counsel for the petitioners that the 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. There is admitted land dispute between the parties. Both sides have sustained injuries and there is case and counter case between them. Nothing specific has been attributed against the petitioners. Learned counsel for the petitioner fairly submits that the injuries sustained by the informant's side were found simple in nature except the injury of injured Shiv Nath Yadav which is caused by petitioner no.4 by means of *khanti*. This fact is also not denied by learned counsel for the informant. It is further submitted that there is inordinate and abnormal delay of two days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Learned counsel further submits that petitioner nos. 1, 3 & 4 have one criminal antecedent, whereas petitioner nos. 2 & 5 have no criminal



antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since no grievous injury has been attributed against petitioner nos. 1, 2, 3 & 5, let the above named petitioner nos. 1, 2, 3 & 5, 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 Bihiya P.S. Case No.187 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, petitioner no.4 is an author of grievous injury, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of petitioner no.4 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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