

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75401 of 2023**

Arising Out of PS. Case No.-77 Year-2022 Thana- RAGHUNATHPUR
District- Siwan

- =====
1. ABHIMANYU YADAV S/O ARJUN YADAV RESIDENT OF VILLAGE-
RAGHUNATHPUR, PS-RAGHUNATHPUR, DISTT-SIWAN
 2. NITISH YADAV S/O ABHIMANYU YADAV RESIDENT OF VILLAGE
KOHUHADA, P.S. ATRI, DISTRICT GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard Mrs. Kumari Anupam, learned counsel for the

petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection

with Raghunathpur P.S. Case No. 77 of 2022 registered for the

offence under Sections 341, 323, 379, 307/34 of the Indian Penal

Code lodged on 17.04.2022 by the informant, Jitendra Kumar

Yadav.

3. As per the prosecution story, the informant alleged

that while he was constructing his house, the accused persons

armed variously came, opposed the said construction and

thereafter petitioner No.1 hit on his hand by rod. So far as

petitioner No. 2 is concerned, he used farsa to assault on the



head. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the injuries have been found to be normal in nature.

5. Mr. Bharat Bhushan, learned A.P.P. for the State, on the other hand, submits that bare perusal of the injury report would show that there has been fracture in hand and, as such, how come the doctor has opined the same to be normal rather it should have been grievous. So far as the second injury on the forehead is concerned, the same has been found to be simple.

6. Taking into account the aforesaid fact and the allegation against petitioner No.1, Abhimanyu Yadav, is concerned, the anticipatory bail application stands rejected.

7. Regarding petitioner No.2, Nitish Yadav is concerned, as the injury inflicted by him is simple, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner No.2, Nitish Yadav, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M.-VIII, Siwan in connection with Raghunathpur P.S. Case No. 77 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

brajesh/-

U		T	
---	--	---	--

