

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78105 of 2024

Arising Out of PS. Case No.-253 Year-2024 Thana- MADHAURAH District- Saran

Akshay Kumar Yadw @ Akshay Kumar Son of Videshi Ray Resident of
Village- Hasanpura, P.S.- Marhowrah, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-12-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Marhouwrah PS case no. 253 of 2024, disclosing offences punishable under Sections 307, 366(A) and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 24.04.2024 in the evening, while the informant was sitting at his door, petitioner along with other accused persons arrived there, abused and assaulted the informant. Accused Sanjay Rai inflicted dab blow on his head and petitioner and other accused persons assaulted him with lathi, danda. Informant's sons were also assaulted by them, due to which, his son namely Ajit Kumar sustained injury.



4. Learned Counsel for the petitioner submits that there is general and omnibus allegation against the petitioner and other accused persons of assaulting the informant and his sons, however there is specific allegation of assault upon co-accused Sanjay Rai, who allegedly assaulted the informant on his head with dab and injury caused to the informant on his head is attributable to co-accused Sanjay Rai, which is grievous in nature. The son of the informant namely Ajit Kumar has sustained minor injury, which would be evident from injury report, annexed as Annexure-2 to this application. Learned counsel further submits that in the impugned order, there is specific allegation against the petitioner of causing injury to the informant but it is the error of record, inasmuch as specific allegation of assault is against the co-accused Sanjay Rai and there is general and omnibus allegation of assault against the petitioner.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that allegation against the petitioner is general and omnibus and specific allegation of assault is against co-accused Sanjay Rai, I am inclined to grant the privilege of anticipatory bail to the petitioner.



6. This application is, accordingly, allowed.
7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Marhowrah PS case no. 253 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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