

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78445 of 2024

Arising Out of PS. Case No.-25 Year-2016 Thana- KISHANPUR District- Supaul

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1. Shankar Yadav S/o- Bhageshwar Yadav Village- Mahipatti Ps- Kishanpur, Dist- Supaul
 2. Gulbiya Devi W/o- Bhageshwar Yadav Village- Mahipatti Ps- Kishanpur, Dist- Supaul
 3. Gunjan Devi @ Guljan Devi D/o- Jago Yadav Village- Mahipatti Ps- Kishanpur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kishanpur Police Station Case No. 25 of 2016, dated 11.10.2016, disclosing offences punishable under Sections 147/341/323/324/325/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 09.02.2016 in the afternoon, the petitioners, along with other co-accused persons, variously armed, came at the door of the informant and the petitioner no. 1



assaulted by means of lathi upon Nago Yadav, petitioner no. 2 assaulted on the head of Nago Yadav by means of dabia and the petitioner no. 3 assaulted upon the head of Fulo Devi by sickle (katchia).

4. Learned Counsel for the petitioners submits that both parties are closely related and the occurrence has taken place due to land dispute. The petitioner no. 1 is the own nephew of victim Nago Yadav. During course of investigation, the police granted advantage of Section 41-A of the Code of Criminal Procedure, 1973 to the petitioners and after completion of investigation, charge sheet has been submitted under Section 307 of the Indian Penal Code; whereas the First Information Report was initially lodged under the bailable sections. The summonses were received by the petitioners recently after cognizance and some of the accused persons have been granted bail by the learned Court below itself whereas the anticipatory bail of the petitioners have been rejected on the ground that there is direct allegation against them. The injuries caused to Fulo Devi and Nago Yadav are simple in nature.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that the petitioners were given advantage of Section 41-A of the Code of Criminal Procedure, 1973, the petitioners co-operated during the investigation and the injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Kishanpur Police Station Case No. 25 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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