

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82741 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- BEERPUR District- Begusarai

1. Sekhar Yadav S/O Late Shokel Yadav R/O Village- Birpur (Paschim Rosrame), Ward No.-13, P.S- Birpur, Distt.- Begusarai.
2. Pankaj Yadav S/O Sekhar Yadav R/O Village- Birpur (Paschim Rosrame), Ward No.-13, P.S- Birpur, Distt.- Begusarai.
3. Ranjeet Yadav S/O Sekhar Yadav R/O Village- Birpur (Paschim Rosrame), Ward No.-13, P.S- Birpur, Distt.- Begusarai.
4. Sanjay Yadav S/O Sekhar Yadav R/O Village- Birpur (Paschim Rosrame), Ward No.-13, P.S- Birpur, Distt.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 323, 324, 379, 307, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner nos.1 and 4 have antecedent of one case, while petitioner no.2 is a person with clean antecedent and petitioner no.3 has antecedent of two cases. It is further submitted that



petitioners and the informant are own cousin brothers. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no doubt, allegation of assaulting the injured is by Shekhar Yadav and Pankaj Yadav by an iron rod and farsa, but then, the F.I.R. does not disclose that on which part of the body, the injured was assaulted. It is next submitted that in sum and substance, the informant alleges that the accused persons including the petitioners came variously arm while Shekhar was carrying iron rod and Pankaj was carrying farsa while other accused persons including petitioner nos.3 and 4 were carrying lathi and they assaulted Arun Kumar causing injury and snatched chain of Indra Devi. It is next alleged that the occurrence took place on account of dispute in between the children from before.

4. The learned counsel for the petitioners submits that no doubt, there is allegation of assaulting Arun Kumar, but then, in the nature of allegation, the assault is general and omnibus in nature as the informant has not even disclosed that on which part of the body, Arun was assaulted. It is also submitted that on a trivial issue, the occurrence is alleged to have taken place and both sides assaulted each other and they are related. It is further submitted that from the side of the petitioners also Birpur P. S.



Case No.73 of 2023 dated 14.05.2023 has been instituted against the side of the present informant and others. It is submitted at the cost of repetition that the F.I.R. does not even disclose that the injured was taken to hospital for treatment, which amply demonstrates that the allegation of assault is exaggerated

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st-cum-Additional Munsif, Begusarai in connection with Birpur P. S. Case No.72 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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