

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83600 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MADHEPUR District- Madhubani

1. Sushil Yadav S/O Late Shital Yadav R/O Village- Agargarha, P.S- Marauna, District- Supaul.
2. Rameshwar Yadav S/O Late Shital Yadav R/O Village- Agargarha, P.S- Marauna, District- Supaul.
3. Ganga Prasad Yadav S/O Late Shital Yadav R/O Village- Agargarha, P.S- Marauna, District- Supaul.
4. Manikant Yadav @ Manish Yadav S/O Ganga Prasad Yadav R/O Village- Agargarha, P.S- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP
For the Informant	:	Mr. Ramchandra Jha Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel for the petitioners, Mr. Ramchandra Jha Raman, learned counsel for the informant and Ms. Rita Verma, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Madhepur P.S. Case No. 39 of 2024 dated 06.04.2024 registered for the offences punishable under Sections 341, 147, 148, 323, 324, 325 and 307 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioners is that they alongwith other co-accused persons have assaulted the informant and his nephew by means of several weapons.

4. The main submissions advanced by the learned



counsel for the petitioners are that though against the petitioners there are criminal antecedents of five cases but all these cases were lodged by the prosecution party and the FIR of the instant matter was lodged after the delay of three days and before that, on behalf of the petitioners' side Marauna P.S. Case No. 31 of 2024 had been lodged against the prosecution and in retaliation, the FIR of the instant matter was registered. It is further submitted that in the alleged occurrence only one, nephew of the informant is said to have sustained injuries and as per his injury report, Annexure-P/2, he sustained five injuries out of them four were opined to be simple in nature except one that was found on middle finger of the right hand and in the FIR, there is no specific allegation against the petitioner No. 4.

5. On the contrary Mr. Ramchandra Jha Raman, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioners.

6. Having considered the criminal antecedents of five cases against the petitioner Nos. 1, 2 and 3 and also taking into account the specific allegations of assault made against them in the F.I.R. and on the vital part of the body of the injured, one injury in the size of 8x0.5x0.5cm was found though the same was opined to be simple in nature but as per the medical opinion, the said injury was caused by sharp cut weapon and the investigation



is pending against the petitioners, this Court is not inclined to grant the relief of anticipatory bail to the petitioner Nos. 1, 2 and 3. Accordingly, their prayer stands rejected.

7. So far as the prayer of petitioner No. 4 is concerned as against him there is no specific allegation in the F.I.R., so, considering this aspect, this Court is inclined to grant him the relief of anticipatory bail. Accordingly, let the petitioner No. 4 named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Madhepur P.S. Case No. 39 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Considering the genesis of the occurrence, the petitioner Nos. 1, 2 and 3 are given liberty to surrender before the Court below, if they avail the said liberty within four weeks from today, then the learned trial Court shall decide their regular bail prayer at the earliest without being prejudiced with this order.

(Shailendra Singh, J)

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