

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79808 of 2023

Arising Out of PS. Case No.-494 Year-2023 Thana- BANKA District- Banka

1. Gunjan Yadav @ Gunjan Kumar Yadav S/o Dipak Yadav
2. Deepak Yadav S/o Jyotish Yadav
3. Bittu Yadav @ Bittu Kumar, S/o Chakradhar Yadav
All are R/o Village-Babu Tola (Idgha Road), P.S.- Banka, Dist.-Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the

FIR and apprehending their arrest in connection with

Banka P.S. Case No.494 of 2023 registered under

Sections 341, 323, 504, 506 and 308 read with 34 of

the Indian Penal Code.

3. Allegation against the petitioners is to

assault the informant by using *lathi*, rod, etc causing

bodily injuries, which may likely to cause death, where



occurrence is arises out of land dispute.

4. It is submitted by learned counsel that petitioners have been falsely implicated with present case out of local disputes arises out of use of common pathway. It is submitted that allegation of physical assault is appearing very much general and omnibus against the petitioners, where injury as caused to informant, upon medical examination found simple and same is sufficient to suggest that injury cannot be cause death in ordinary course of nature. The petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact that injury as caused by petitioners is simple in nature in the background of general and omnibus allegation as to cause physical assault, accordingly, all petitioners above-named, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released



on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No.494 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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