

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85475 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- MAIRWAN District- Siwan

1. Santosh Yadav S/O Ramashray Yadav @ Chini Yadav @ Ramashray Chaudhry Resident of Village- Sewatapur, P.S. - Mairwa, District - Siwan.
2. Ranjan Yadav S/O Ramashray Yadav @ Chini Yadav @ Ramashray Chaudhry Resident of Village- Sewatapur, P.S. - Mairwa, District - Siwan.
3. Balindra Yadav S/O Late Sri Kishan Yadav @ Sri Krishna Yadav Resident of Village- Sewatapur, P.S. - Mairwa, District - Siwan.
4. Umesh Yadav @ Umsh Kumar S/O Late Chandrika Yadav R/O Village- Sumerpur, P.S- Mairwa, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the State : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Mairwa P.S. Case No. 308 of 2024 registered for the offences punishable under Sections 191(1), 126, 115, 118, 109, 303, 308, 351, 352 of Bhartiya Nyaya Sanhita.

3. As per prosecution case, petitioners and other came at the shop of informant and petitioner no. 3/Balindra Yadav demanded extortion and instigated to assault the informant upon which all the accused persons attacked on the



informant. It is alleged that petitioner no. 2/ Ranjan Yadav assaulted the informant by means of butt of katta due to which he fell down. Petitioner no. 4/ Umesh Yadav indiscriminately assaulted upon the informant's head by means of knife. It is further alleged that petitioner no. 3/ Balindra Yadav and petitioner no. 1/ Santosh Yadav took out Rs. 50,000/- from the shop of informant. It is further alleged that petitioner no. 3/ Balindra Yadav pressed neck of informant by putting his leg on his neck due to which he became unconscious.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. Learned counsel further submits that both parties are co-villager as address of the informant and petitioners is same. Learned counsel orally submits that though there is allegation that petitioner no. 2/ Ranjan Yadav assaulted the informant by means of butt of katta and Petitioner no. 4/ Umesh Yadav indiscriminately assaulted upon the informant's head by means of knife but there is only one injury on the head of informant which is simple in nature. Hence, the authenticity of the prosecution story is doubtful. He further submits that from perusal of the FIR, it is clear that



dispute arose due to petty issue. In the light of aforesaid facts and circumstances of the case, no offence is made out under Section 109 of BNSS against the petitioners.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 learned Additional Chief Judicial Magistrate-V, Siwan in connection with Mairwa P.S. Case No. 308 of 2024, subject to the conditions as laid down under Section 482 of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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