

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6001 of 2024

Arising Out of PS. Case No.-91 Year-2021 Thana- GHOGHARDIHA District- Madhubani

1. Pawan Kumar Yadav S/o Late Khushi Lal Yadav
2. Shailendra Yadav @ Shailendra Kumar Yadav S/o Pawan Kumar
3. Dipak Yadav S/o Ram Kumar Yadav R/o Village- Kishunipatti, P.S.- Ghoghardiha, Dist. Madhubani.
4. Ram Kumar Yadav S/o Khushi Lal Yadav
5. Parmod Yadav @ Mushan @ Mushan Yadav, S/o Late Ram Awater Yadav
All are R/O Village- Kishunipatti, P.S.- Ghoghardiha, Dist. Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024 It is pointed out by learned counsel that the petitioner no.1, namely, Pawan Kumar Yadav and petitioner no.3, namely, Dipak Kumar arrested during the pendency of present anticipatory bail petition and, as such, now their prayer regarding anticipatory bail has become infructuous. He submitted that he may be permitted to withdraw the prayer for anticipatory bail against above-named petitioner nos. 1 and 3.

2. In view of aforesaid submission, the prayer for anticipatory bail of petitioner no.1, namely, Pawan Kumar Yadav and petitioner no.2, namely, Dipak Yadav is rejected being infructuous.



3. Now the present anticipatory bail is limited with regard to petitioner no.2, Shailendra Yadav @ Shailendra Kumar Yadav, petitioner no.4, Ram Kumar Yadav and petitioner no.5, Pramod Yadav @ Mushan @ Mushan Yadav.

4. All three above-named petitioners are named in FIR and apprehending their arrest in connection with Ghoghardiha P.S. Case No.91 of 2021 for the offences punishable under Sections 341, 323, 354, 379, 504 and 506 read with Section 34 of the Indian Penal Code.

5. Allegation against the petitioners is to assault wife of informant and other family members along with co-accused persons, causing bodily injuries, which may cause death of injured, where occurrence arises out of land dispute.

6. It is submitted by learned counsel appearing on behalf of the petitioners that nature of allegation as regard to assault is appearing very much general and omnibus. It is submitted that the nature of injuries is simple what he specifically mentioned on affidavit through Para-10 of bail petition and merely as same was found upon parietal region, it cannot be said that petitioners made an attempt to commit culpable homicide not amounting to murder.

7. While concluding argument, it is submitted that



the petitioners are men of clean antecedent.

8. Learned APP for the State opposes the application for grant of anticipatory bail to the petitioners.

9. In view of aforesaid facts and circumstances and by taking note of fact as injuries alleged to be caused by petitioners during the occurrence is simple in nature, where petitioners are men of clean antecedent, accordingly, the above-named petitioners are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today, 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 A.C.J.M., Jhanjharpur in connection with Ghoghardiha P.S. Case No.91 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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