

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8164 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- PIRO District- Bhojpur

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1. Rakesh Yadav @ Rakesh Kumar Son of Ramishwar Yadav @ Dhan Kumar Yadav@Dhan Kumar Kumar@Dhan Kumar Resident of Village- Saneya, P.S.- Pero, District- Bhojpur, Ara
 2. Munna Yadav Son of Ramishwar Yadav @ Dhan Kumar Yadav@Dhan Kumar Kumar@Dhan Kumar Resident of Village- Saneya, P.S.- Pero, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi
For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 13-05-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pero Police Station Case No. 136 of 2024, dated 29.03.2024, disclosing offences under Sections 341/323/307/379/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 25.03.2024, while the informant and his elder brother was returning to their home after closing shop, the petitioners, along with other co-accused persons, signaled them to stop and started assaulting and demanded extortion if they wish to run the shop. The informant's



elder brother succeeded in running away from the place, but the informant was detained/held back and was assaulted by the petitioner no. 2 by means of iron rod due to which he sustained injuries. It has further been alleged that the accused persons took away gold-chain and Rs. 7000/- from the informant.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case due to previous enmity. The allegation against the petitioner no. 1 is general and omnibus in nature. He next submits that there is allegation of assault against the petitioner no. 2, who assaulted by means of iron rod, but in the injury report, annexed at Annexure-2, eight injuries have been mentioned, all of which cannot be attributed to the petitioner no. 2 only. It has further been mentioned that the injuries are caused by hard and blunt substance, however, opinion is kept reserved due to non-submission of report as desired from the victim-Sumit Kumar.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that dispute



took place between the parties due to previous enmity, there is no specific allegation against the petitioner no. 1 and opinion of the doctor regarding nature of injury is still reserved, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Bhojpur at Ara, in connection with Pero Police Station Case No. 136 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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