

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13556 of 2025

Arising Out of PS. Case No.-294 Year-2024 Thana- MUFFASIL District- Aurangabad

1. Devendra Kumar Yadav @ Devendra Yadav Son of Somar Yadav Resident of Village - Akauna, P.S. - Aurangabad Mufassil, District - Aurangabad (Bihar)
2. Samresh Kumar Yadav @ Samresh Yadav Son of Somar Yadav Resident of Village - Akauna, P.S. - Aurangabad Mufassil, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Lilawati Kumari, Advocate
	:	Mr.Aman Vishal, Advocate
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-03-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Aurangabad Muffasil PS case no. 294 of 2024 dated 19.08.2024, disclosing offences punishable under Section 126(2) and other allied sections of B.N.S. Act.
3. The prosecution story, as per the First Information Report, is that on 18.08.2024 at about 6 am, the petitioners along with other accused persons carrying firearms, garasa etc. came towards the house of the informant where father of the informant was standing. It is alleged that petitioner no. 2 assaulted the father of the informant by lathi, danda on his head.



He also assaulted Murari Kumar with lathi. It is further alleged that petitioner no. 1 pointed gun towards the informant, demanded extortion amount of Rs. 5,000/- and threatened to kill the informant. He also took away golden chain from the mother of the informant.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case along with other accused persons due to dispute between parties regarding drainage. Learned counsel further submits that a counter case has been lodged by the side of the petitioners bearing Aurangabad Muffasil PS Case No. 295 of 2024 dated 19.08.2024. Referring to injury report, learned counsel submits that injury of one Ramji Prasad has been shown and father's name of informant is Laxman Yadav and not Ramji Prasad. In the injury report, the date of examination of Ramji Prasad has also not been mentioned whereas on the injury report of Murari Kumar, the date of examination has been mentioned as 18.08.2024. The injury caused to Murari Kumar is simple in nature.

5. Learned counsel for the State vehemently opposed the prayer for anticipatory bail and submits that there is specific allegation of assault upon petitioner no. 2, who assaulted



informant's father whose alias name is Ramji Yadav, which would be evident from the impugned order. Learned counsel further submits that learned Additional District & Sessions Judge-VII, Aurangabad has taken note of the injury report available on record having the alias name of informant's father and has recorded the opinion of the doctor showing that injuries no. 1 and 2 are grievous in nature caused by hard and blunt substance.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is specific allegation of assault against petitioner no. 2 Samresh Yadav upon the father of the informant, due to which, he sustained grievous injury on his head, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 2.

7. This application, insofar as petitioner no. 2 is concerned, is dismissed.

8. However, if petitioner no. 2 surrenders and seeks regular bail, the learned concerned court may decide the same on its merit without being prejudiced by the rejection of the present anticipatory bail by this Court.

9. As far as petitioner no. 1 is concerned, considering the nature of allegation levelled against him and the fact that



there is case and counter case between the parties, both parties are co-villagers having dispute regarding drainage, I am inclined to grant the privilege of anticipatory bail to petitioner no. 1.

10. Let petitioner no. 1, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Muffasil PS case no. 294 of 2024, subject to the condition laid down under Section 482 of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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