

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21166 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- SHAMBHUGANJ District- Banka

1. Pappu Yadav Son Of Huro Yadav Resident Of Village - Belsira, Police Station - Shambhuganj, District - Banka
2. Manish Kumar @ Manish Kr. Yadav Son Of Pappu Yadav Resident Of Village - Belsira, Police Station - Shambhuganj, District - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee
For the State	:	Mr. Upendra Kumar
For the Informant		Mr. Rajesh Kumar
		Mr. Manoj Kumar
		Mr. Manish Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 16-04-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 323, 341, 324, 307, 385, 379, 325, 504, 506/34 of the Indian Penal Code.

3. The First Information Report would disclose that the informant Subhakil Choudhary has alleged that on 12.11.2023, in the night, all the accused persons named in the FIR including the petitioners came into his house and assaulted his four sons by means of Lathi, Khanti and iron rod causing



injury to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. It has further been submitted that there is general and omnibus allegation of assault in the FIR and no specific act has been attributed to these petitioners. The further submission of the learned counsel for the petitioners is that there is case and counter case between the parties and both are gotiya and also the land dispute is going on between them. So far as the injuries is concerned, it has been submitted by the learned counsel for the petitioners that there are four injured persons in the case and the injuries suffered is mostly simple in nature.

5. Learned APP for the State and learned counsel for the informant oppose the prayer for anticipatory bail by stating that the injuries have been caused to the four sons of the informant and at least one injury of one of the injured namely Sachitanand Choudhary is grievous in nature.

6. In response to the same, learned counsel for the petitioners submits that the injuries are all simple in nature and the injury no. 3 suffered by Sachitanand Choudhary which is said to be grievous is in nature of swelling of left shoulder with pain which would go to show that the assault is not a vital part of the body.



7. Taking into the facts and circumstances of the case that there is case and counter case between the parties and the injuries are mostly simple in nature and also considering the fact that four other similarly situated co-accused persons of the case have already been granted privilege of anticipatory bail vide order dated 14.03.2024 passed in Cr. Misc. No. 16169 of 2024 and petitioners have no criminal antecedent, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 court below where the case is pending/successor court in connection with Shambhuganj P.S. Case No. 312 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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