

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34704 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

1. Mukesh Yadav @ Mukesh Kumar @ Mukesh Kumar Yadav son of Sushil Yadav Village -Gopalpur PS- Industrial Area Dist -Bhagalpur
2. Abhisek Yadav @ Abhisek Kumar Son of Pramod Yadav Village -Gopalpur PS- Industrial Area Dist -Bhagalpur
3. Shatrughan Yadav @ shatrughan Prasad Yadav son of Late Shakichan @ Sakhichan Yadav @ Late Shakichan Yadav Village -Gopalpur PS- Industrial Area Dist -Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Industrial P.S. Case No. 64 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379, 307, 447, 504, 506 of the IPC.

3. As per prosecution case, petitioners and other forcibly entered into the godown of the informant and abused and assaulted the informant by means of lathi, danda and rod. It is alleged that petitioner no. 2/ Abhisek Kumar continuously assaulted on the head of Rohit Kumar by means of iron rod due



to which he became seriously injured and also snatched Rs. 2500/- from the pocket of Rohit Kumar. It is also alleged that petitioner no. 2 snatched gold chakti from the neck of Rohit Kumar. It is further alleged that co-accused Bikram Kumar @ Chhotu assaulted Deepak Kumar. It is further alleged that petitioners and other assaulted the informant repeatedly as a result of which he became seriously injured. It is further alleged that in the said occurrence, leg of Palan Paswan fractured and Rohit Kumar sustained injury on head.

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. Learned counsel further submits that there is no specific allegation of assault against petitioner no. 1 and 3 rather the same is general and omnibus in nature. There is only specific allegation against petitioner no. 2 who is said to have assaulted Rohit Kumar and also snatched his belongings. Learned counsel further submits that all the injured sustained simple injury, caused by hard and blunt object, as mentioned in Annexure-P/2 series. He further submits that petitioners and informant are agnates. Apart from that, petitioners have no criminal antecedent.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but he concedes that there is no specific allegation against petitioner no. 1 and 3. He further submits that there is specific allegation of assault against petitioner no. 2 and same is supported by the injury report of victim Rohit Kumar who sustained three injury on the head and hence, petitioner no. 2 does not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner no. 1 and 3, argument advanced on behalf of both sides and also taking into consideration the material available on record, **petitioner no. 1 and 3**, 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 Judicial Magistrate-1st Class, Bhagalpur in connection with Industrial P.S. Case No. 64 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no. 2, namely, Abhisek Yadav @ Abhisek Kumar is concerned, there is specific allegation of assault against him and same is supported by the injury report of



victim Rohit Kumar who sustained three injury on the head which is vital part of the body. Hence, I am not inclined to grant privilege of anticipatory bail to petitioner no. 2 and accordingly, the same stands rejected.

8. However, petitioner no. 2/ Abhisek Yadav @ Abhisek Kumar is directed to surrender before the concerned court within three weeks from today. If petitioner no. 2 surrenders and seeks regular bail, the concerned court may pass appropriate order on the day of hearing without being prejudiced by order of this Court.

9. The application stands disposed of.

(Alok Kumar Pandey, J)

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