

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34105 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- SHANKARPUR District- Madhepura

1. Nirmal Yadav S/O Panchu Yadav R/O Village- Maharaji Tola Ward No.-12, P.S- Sankarpur, Distt.- Madhepura.
2. Hira Lal Yadav S/O Panchu Yadav R/O Village- Maharaji Tola Ward No.-12, P.S- Sankarpur, Distt.- Madhepura.
3. Amit Kumar S/O Hiralal Yadav R/O Village- Maharaji Tola Ward No.-12, P.S- Sankarpur, Distt.- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Shankarpur P.S. Case No. 39 of 2024 dated 01.03.2024 by way of Complaint Petition No. 34 of 2024 offence alleged under Sections 147, 148, 149, 323, 341, 379, 307, 386, 504, 506, 427, 354-B of the IPC and 27 of the Arms Act.

3. As per prosecution case, on 13.01.2024 accused persons including the petitioners came with deadly weapons and started cutting Kadam tree of complainant/informant upon



which complainant/informant fordade to do so. Thereafter, accused persons including the petitioners encircled the informant/complainant and assaulted him with fists and slaps. When complainant's brother came to rescue, he was assaulted by petitioner no. 1/Nirmal Yadav by means of iron rod causing injury on the head. Thereafter, all the accused persons concertedly assaulted him by means of lathi, danda. It is further alleged that when mother of informant/complainant came to rescue her son, she was also assaulted by the accused persons and her dress were also torn. It is further alleged that co-accused Nilam Devi snatched gold chain from the neck of mother of informant/complainant worth Rs. 1,65,000/-.

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 though there is specific allegation that petitioner no.1/ Nirmal Yadav assaulted Guddu Kumar but he sustained simple injury as mentioned in Annexure-3 of the bail petition. There is no allegation of repetition of blow on the head of Guddu Kumar. In this way, no offence under Section 307 of the IPC is made out against the petitioner and Section 379 and 354 is ornamental in nature. No



specific overt-act has been attributed against petitioner no. 2 and 3 and allegations against them are general and omnibus in nature. He further submits that specific allegation of firing is against co-accused Aman Kumar. Petitioners have no criminal antecedent. Informant and petitioners are co-villagers and next door neighbours and there is some family dispute between the petitioners and informant with respect to land and on account of said dispute, petitioners have been falsely implicated in the present case. He further submits that wife of petitioner no. 1 lodged Shankarpur P.S. Case No. 11 of 2024 against the informant and his associates and the present case is nothing but counter blast of earlier case filed by wife of petitioner no. 1. Learned counsel orally submitted that no firing material has been recovered from the place of occurrence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners 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 Additional Chief Judicial Magistrate, Madhepura in connection with Shankarpur P.S. Case No. 39 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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