

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49273 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- ARIYARI District- Sheikhpura

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1. Sanjay Yadav @ SANJAY KUMAR S/o Nawlesh Yadav R/o vill - Mai Amarpur, P.S. - Ariyari, Distt. - Sheikhpura
 2. Kanhaiya Yadav S/o Nawlesh Yadav R/o vill - Mai Amarpur, P.S. - Ariyari, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 29-01-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners at the outset seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 2, Kanhaiya Yadav.

3. Permission is accorded.

4. Accordingly, the prayer for anticipatory bail is dismissed as withdrawn with respect to petitioner no. 2.

5. The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 427, 504 and 506/34 of the Indian Penal Code.

6. Learned counsel for the petitioner no. 1 submits that petitioner no. 1 has antecedent of two cases and the



informant alleges that on 10.03.2024 while he was returning home by motorcycle from the market at 07:30 p.m. when he was intercepted by the named accused persons including the petitioner no. 1 before his house and they started abusing while Sanjay Yadav assaulted the informant by a rod causing injury on the head. Thereafter, Navlesh Yadav along with his wife also assaulted the informant and Kanhaiya Yadav assaulted the informant by lathi causing fracture of hand and on alarm people gathered when accused persons fled away after snatching Rs.40,000/- from his pocket.

7. Learned counsel for the petitioner no. 1 submits that petitioner no. 1 has been falsely implicated in the instant case on account of previous dispute. It is further submitted that even presuming what has been alleged is true without admitting then petitioner no. 1 is alleged to have assaulted the informant by rod causing injury on head but then the blow was not repeated and the injury has been found to be simple. It is fairly submitted that fracture of hand of the informant has been opined to be grievous in nature.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned



counsel for the petitioner no. 1, let petitioner no. 1 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Ariyari P.S. Case No. 82 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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