

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54359 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- LAKHNAUR District- Madhubani

1. Gunanand Yadav son of Surya Narayan Yadav R/o Village- Kasiyam Umari PS - Lakhnaur Dist- Madhubani
2. Bablu Yadav son of Dev Narayan Yadav R/o Village- Kasiyam Umari PS - Lakhnaur Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, 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. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 427, 448 and 504 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of one case and the informant alleges that on 06.12.2023 he along with his cousin and uncle was sitting in their house and talking when named accused persons including the petitioners along with four unknown accused persons came variously armed and Jay Prakash Yadav fired and assaulted the



informant by butt of a gun on shoulder. Thereafter, Pappu Yadav and Jay Prakash Yadav fired five rounds while Bablu Yadav (petitioner no. 2) and Gunanand Yadav (petitioner no. 1) assaulted the cousin of the informant repeatedly by Tengari on head causing injury, accordingly, he was admitted in the PHC from where he was referred to DMHC.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case on account of previous enmity. It is further submitted that no doubt, petitioners are alleged to have assaulted the cousin of the informant but then from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is not specific.

5. Mr. Rabindra Kumar, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against these petitioners of assaulting the cousin of the informant on head by Tengari repeatedly. It is further submitted that from perusal of the injury report of the injured, it would manifest that the Doctor has recorded that the injured suffered head injury and left parietal compound deep fracture. It is next submitted that the allegation of assault is on the head which is vital part of the body.



6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Lakhnaur P.S. Case No. 263 of 2023 pending in the Court of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani/Successor Court.

7. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

