

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61638 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SHANKARPUR District- Madhepura

1. GUDDU KUMAR S/O RAM CHANDRA YADAV R/O VILLAGE-
BARIYAH TOLA MAHRAJI, WARD NO.- 12 P.S.- SHANKERPUR
DISTRICT- MADHEPURA
2. Rahul Kumar S/o Ram Chandra Yadav R/O VILLAGE- BARIYAH TOLA
MAHRAJI, WARD NO.- 12 P.S.- SHANKERPUR DISTRICT-
MADHEPURA
3. Roshan Kumar S/o Ram Chandra Yadav R/O VILLAGE- BARIYAH TOLA
MAHRAJI, WARD NO.- 12 P.S.- SHANKERPUR DISTRICT-
MADHEPURA
4. Chandra Mohan Yadav S/o Late Kaleshwar Yadav R/O VILLAGE-
BARIYAH TOLA MAHRAJI, WARD NO.- 12 P.S.- SHANKERPUR
DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-02-2025 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 2, namely Rahul Kumar.

3. Permission, as prayed for, is accorded.

4. Accordingly, this anticipatory bail application on behalf of Petitioner No. 2 is dismissed as withdrawn.

5. The Petitioner Nos. 1, 3 and 4 apprehend their



arrest in a case registered for the offence punishable under Sections 341, 323, 307, 354B, 356, 379, 447, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

6. The prosecution case, in brief, is that while the informant was cutting *Kadam* tree in her share of land in the meantime, all the F.I.R. named accused persons, including these petitioners, who are also shareholders of the land, came there and abused and assaulted the informant.

7. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these petitioners. Though as per F.I.R. there is allegation of assault by all the F.I.R. named accused persons, including these petitioners, but there is no injury report on record to substantiate the allegations. As a matter of fact, both parties are shareholders and due to land dispute, this false and concocted case has been lodged. It is further submitted that the present case is counter-blast of Complaint Case No. 34 of 2024 which has been filed by the petitioners' side against the prosecution party. Petitioners claim clean antecedents.

8. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the aforesaid facts and circumstances, case and counter-case between the parties and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1, 3 and 4 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1, 3 and 4 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Madhepura in connection with Shankerpur P.S. Case No. 11 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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