

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70827 of 2024

Arising Out of PS. Case No.-519 Year-2024 Thana- BIHTA District- Patna

1. Rajeshwar Yadav S/O Late Prabhu Yadav Resident of Village-Babhan Lai Bramasthani, P.S.- Bihta, District-Patna
2. Birju Yadav S/O Late Kishun Yadav Resident of Village-Babhan Lai Bramasthani, P.S.- Bihta, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 83585 of 2024

Arising Out of PS. Case No.-519 Year-2024 Thana- BIHTA District- Patna

1. Lala Yadav Son of Late Rajdeo Yadav R/o - Babhan Lai, P.S - Bihta, District - Patna
2. Rambabu Yadav @ Mejan Yadav son of Late Rajdeo Yadav R/o - Babhan Lai, P.S - Bihta, District - Patna
3. Sri Nivash Kumar @ Wakil Yadav son of Lala Yadav R/o - Babhan Lai, P.S - Bihta, District - Patna
4. Daroga Kumar @ Daroga Yadav son of Late Tejan Yadav R/o - Babhan Lai, P.S - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 70827 of 2024)
For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Ram Priya Sharan Singh
(In CRIMINAL MISCELLANEOUS No. 83585 of 2024)
For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 02-04-2025 Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for the



State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bihta P.S. Case no. 519 of 2024 instituted for the offence under Sections 147, 149, 341, 342, 323, 324, 325, 354, 337, 448, 427, 307 of the Indian Penal Code.

3. The prosecution's case, in brief, is that on the alleged date and time of occurrence, while the informant was cutting bamboo in his *Banswari*, the petitioners, along with other co-accused persons, variously armed, arrived there and began abusing and assaulting him, causing head injury. It is further alleged that when the informant's wife and daughter intervened to protect him, they were also assaulted, resulting in a fracture in the right hand of his daughter. Additionally, when other individuals attempted to intervene, they too were attacked by the accused persons. During the course of the incident, the informant's motorcycle (Reg. No. BR-3E-



3426) was damaged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. They were falsely been implicated due to village politics. There is no specific overact attributed against the petitioners. This case is counter blast of Bihta P.S. Case No. 520 of 2024. Moreover, a statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of bail and submitted that petitioners along with other co-accused persons have brutally assaulted the informant and his family members. From perusal of photocopy of injury report (Annexed with case diary), it appears that four persons have sustained head injury. Out of which, Hiramani Devi have sustained grievous injury. It is evident that the injured, besides other things, have supported the prosecution case as to



the extent that petitioners were involved in the alleged offence as well as considering the nature of injury, their role cannot be overlooked from the alleged offence. Investigation is still going on.

6. Having heard the learned counsel for the parties and considering the nature of allegation, as well as the injuries inflicted upon the injured (as per the injury report) this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for anticipatory bail stands rejected.

7. The petitioners are directed to surrender before learned court below and pray for regular bail, which shall be considered on its own merit, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

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