

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75786 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- LAXMIPUR District- Jamui

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1. Sunil Yadav @ Anil Yadav S/O Late Jamuna Yadav @ Late Yamuna Yadav Resident of village-Khirbhojana (Khirbhojan), P.S.-Laxmipur, District-Jamui, Bihar
 2. Subodh Yadav S/O Late Jamuna Yadav @ Late Yamuna Yadav Resident of village-Khirbhojana (Khirbhojan), P.S.-Laxmipur, District-Jamui, Bihar
 3. Jayhindra Kumar @ Jahindra Yadav @ Jayhindra Yadav S/O Ramdev Yadav @ Ram Dev Resident of village-Khirbhojana (Khirbhojan), P.S.-Laxmipur, District-Jamui, Bihar
 4. Jitendra Yadav S/O Jehal Yadav Resident of village-Khirbhojana (Khirbhojan), P.S.-Laxmipur, District-Jamui, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. Initially, Learned Counsel for the petitioners submits that the present application with respect to petitioner, namely, Jehal Yadav has already been dismissed as not pressed vide order dated 11.11.2024.

3. Learned Counsel for the petitioners submits that during pendency of the bail application the petitioner No. 1, namely, Sunil Yadav @ Anil Yadav had been arrested, therefore, he is not pressing the bail application for the



petitioner No. 1, namely, Sunil Yadav @ Anil Yadav. Accordingly, the present application so far as it relates to petitioner No. 1, namely, Sunil Yadav @ Anil Yadav stands dismissed as withdrawn.

4. The present Cr. Misc. Application No. 75786 of 2024 has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner Nos. 2, 3 and 4 who apprehend arrest in connection with Laxmipur P.S. Case No. 284 of 2024 dated 27.08.2024, lodged under Sections 191(2), 127(1), 115(2), 117(2), 109(1), 352 and 55 of the Bharatiya Nyaya Sanhita, 2023.

5. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioners. It is alleged that they assaulted the informant and his grand mother with the intent to kill.

6. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that there is one criminal case pending against the petitioners, in which they are on bail. Counsel further submits that from a bare reading of the FIR, the allegation is primarily against the petitioner No. 3, namely,



Jayhindra Kumar @ Jahindra Yadav @ Jayhindra Yadav who is accused of assaulting the informant's grandmother, namely, Samari Devi. Counsel further submits that, the contents of the FIR indicate that there is an ongoing land dispute between the parties. Counsel also submits that no injury has been found at the alleged place of assault.

7. Learned APP for the State, on the other hand, opposes the prayer for bail and submits that specific allegation has been made against the petitioner No. 3, namely, Jayhindra Kumar @ Jahindra Yadav @ Jayhindra Yadav. It is alleged that the petitioner No. 3 assaulted the informant's grandmother, and the injury found is grievous in nature.

8. In this background, this Court is not inclined to grant bail to the petitioner No. 3, namely, Jayhindra Kumar @ Jahindra Yadav @ Jayhindra Yadav, therefore, the bail application of the petitioner No. 3 is hereby rejected.

9. So far as, the anticipatory bail application of the petitioner Nos. 2 and 4 are concerned, let the above named petitioner Nos. 2 and 4, namely, Subodh Yadav and Jitendra Yadav be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty



Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of JM 1st Class, Jamui, in connection with Laxmipur P.S. Case No. 284 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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