

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76853 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHISHI District- Saharsa

1. Kundan Yadav S/o Ram Yadav Resident of Dharampur, Police Station- Mahishi, Distt.- Saharsa
2. Rudal Yadav S/o Ram Yadav Resident of Dharampur, Police Station- Mahishi, Distt.- Saharsa
3. Mohan Yadav s/o Ram Yadav Resident of Dharampur, Police Station- Mahishi, Distt.- Saharsa
4. Santosh Yadav S/o Ram Yadav Resident of Dharampur, Police Station- Mahishi, Distt.- Saharsa
5. Ranjit Yadav S/o Ram Yadav Resident of Dharampur, Police Station- Mahishi, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-04-2025 Learned counsel for the petitioners, at the outset, submits that he would not be pressing the present anticipatory bail application on behalf of the petitioner no.4 and, hence he prays for withdrawal of application on behalf of petitioner no.4.

2. Permission is granted.

3. This application is dismissed as withdrawn as against the petitioner no.4.

4. Now this application survives only against petitioners no.1, 2, 3 and 5.

5. Heard learned counsel for the petitioners and learned APP for the State.



6. The prosecution case in the First Information Report is that on 20.02.2023 at 1.00 PM all the named accused persons who are as many as 17, came to the house of the informant being variously armed and assaulted the informant as also his family members.

7. Learned counsel for the petitioners submits that as against the allegation of assault by farsa on the head upon petitioner no.2 Rudal Yadav, no such corresponding injury has been found on his head rather the injuries are lacerated in nature and cannot be said to have been caused by farsa and moreover, the injuries on the head are simple in nature. With regard to the allegation on petitioner no.3 Mohan Yadav, it is stated that he assaulted the informant by iron rod on his head but the injury report with regard to the wife would also show that the injury is in the nature of laceration and simple in nature. So far as the case of the petitioner no.1 is concerned, he is said to have been armed with a country made pistol but there is no allegation of opening any gun shot on anyone which would show that despite being armed with a pistol he did not resort to any firing and, therefore, there was no intention to kill anyone.

8. It has been submitted with regard to petitioner no.5 Ranjit Yadav that there is a general and omnibus allegation



against him of assaulting the family members. It has also been submitted that there is a case and counter case and petitioner no.4 had also lodged a case for the same incident as disclosed in paragraph 10 of the petition.

9. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

10. Considering all the abovementioned facts and circumstances of the case and further taking into consideration that the petitioners have no criminal antecedent, let the petitioners no.1, 2, 3 and 5 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa in connection with Mahishi P.S. Case No.38 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioners shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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