

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86948 of 2024

Arising Out of PS. Case No.-614 Year-2024 Thana- AGAMKUAN District- Patna

1.

Raj Ballabh Yadav S/O Late Jamun Yadav Resident of Kumhrar Naya Tola, Ghera, Kumhrar, P.S.- Agamkuan, District- Patna
2.

Abhinav Rajbir @ Bhanu @ Bhan S/O Raj Ballabh Yadav Resident of Kumhrar Naya Tola, Ghera, Kumhrar, P.S.- Agamkuan, District- Patna
3.

Puskar Kumar S/O Raj Ballabh Yadav Resident of Kumhrar Naya Tola, Ghera, Kumhrar, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar Mr.Raj Krishna Jha
For the State	:	Mr.Uma Shankar Prasad Singh
For the informant	:	Mr. Prabhat Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

18-01-2025

1.

Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Agamkuan Police Station Case No. 614 of 2024, dated 22.07.2024, disclosing offences punishable under Sections 126(2)/115(2)/303(2)/308(3)/109/352/351(2)/3 (5) of the Bhartiya Nyaya Sanhita, 2023.

3.

The prosecution case, as per the First Information Report, is that on 21.07.2024, at about 11:15 AM, while the informant, along with his father, was returning home after



open heart surgery of his father at Delhi, the petitioners along with other co-accused persons pushed his father, demanded rangdari of Rs. 4,00,000/- and assaulted him also. When the informant anyhow managed to escape and reached his home along with his father, the petitioners along with other co-accused persons, armed with bricks, stone, lathi, iron rod, reached there, started abusing and demanding rangdari and when the uncle of the informant along with other family members gathered there, co-accused Ramayan Yadav assaulted the informant by iron rod and co-accused Nagmani assaulted him on his stomach, due to which he became unconscious. In the mean while, co-accused Sunny Kumar and the petitioner no. 2 assaulted the uncle of the informant by means of iron-rod and danda, due to which he sustained injury on his head and became unconscious.

4. Learned Counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case due to ulterior motive. He further submits that the present First Information Report has been lodged in retaliation of the case filed by the petitioner no. 3 against the informant and others. He further submits that there is



land dispute between the parties inasmuch as Misc. Appeal No. 31 of 1999 is pending between the parties. He further submits that injured Shashikant has sustained simple injury; whereas the injury sustained by the uncle of the informant on his head was found to be grievous in nature.

5. Considering the fact that there is specific allegation of assault against the petitioner no. 2 of assaulting the uncle of the informant on his head, which was found to be grievous in nature, I am not inclined to grant the petitioner no. 2 privilege of anticipatory bail.
6. This application, so far as petitioner no. 2 is concerned, is dismissed.
7. So far as petitioner no. 1 and 3 are concerned, considering the fact that there is case and counter case between them, land dispute is also there and there is no specific allegation of assault against them, I am inclined to grant the petitioner no. 1 and 3 privilege of anticipatory bail.
8. This application so far as petitioner nos. 1 and 3 is concerned, is, accordingly, allowed.
9. Let the petitioner no. 1 and 3, above named, in the event



of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Patna City, in connection with Agamkuan Police Station Case No. 614 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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