

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54 of 2025

Arising Out of PS. Case No.-940 Year-2023 Thana- MADHEPURA District- Madhepura

1. Baleshwar Yadav S/O Late Bhumi Yadav R/O village - Aurahi, Ward No.- 03, P.S- Madhepura (Pamanandpur O.P), Dist - Madhepura.
2. Govind Kumar S/O Baleshwar Yadav R/O village - Aurahi, Ward No.- 03, P.S- Madhepura (Pamanandpur O.P), Dist - Madhepura.
3. Raj Kumar S/O Surendra Yadav R/O village - Aurahi, Ward No.- 03, P.S- Madhepura (Pamanandpur O.P), Dist - Madhepura.
4. Basant Kumar @ Vasant Kumar S/O Ghuran Yadav @ Puran Yadav R/O village - Aurahi, Ward No.- 03, P.S- Madhepura (Pamanandpur O.P), Dist - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2025 At the outset, learned counsel for the petitioners submits that during pendency of this bail petition, petitioner no. 4 namely *Basant Kumar @ Vasant Kumar* has been arrested and as such, this petition has become infructuous so far as petitioner no. 1 is concerned.

2. The anticipatory bail petition stands dismissed, so far as petitioner no. 4 is concerned.

3. The petitioners (i.e. petitioner nos. 1 to 3) apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 379,



504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

4. It is alleged that these petitioners alongwith other FIR named co-accused, variously armed, came at the house of informant and assaulted the informant's husband with *Lathi* and iron rod causing injury on his head and when the informant's son came to save informant, petitioner no.2 (Govind Kumar) assaulted him on his left hand with Butt of pistol causing fracture injury and in the meanwhile, co-accused Gautam Kumar caused fire-arm injury in the left hand of informant's son. It is further alleged that when the informant came to save them, the accused persons assaulted and disrobed her and also snatched her ear-ring and looted away cash of Rs. 25,000/- from Kirana shop of informant.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Present case is counter blast of Madhepura (Parmanandpur O.P.) P.S. Case No. 941 of 2023, lodged from petitioners' side against son of informant. He further submits that as per F.I.R. itself, no specific overt act has been alleged against petitioner no. 3 & 4. Petitioners claim clean antecedent.

6. Learned A.P.P. for the State vehemently opposes the



prayer for anticipatory bail and submits that the injury, caused by petitioner no. 2, is grievous in nature.

7. Considering the nature of injury, the prayer for anticipatory bail of petitioner no. 2 is rejected.

8. However, since there is general and omnibus allegation against **petitioner no. 1 & 3**, in the event of their arrest/surrender within a period of six weeks from today, let the petitioner nos. 1 and 3, as named above, be enlarged 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura (Parmanandpur O.P.) P.S. Case No. 940 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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