

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1240 of 2025

Arising Out of PS. Case No.-96 Year-2015 Thana- ALOULI District- Khagaria

1. Baleshwar Yadav S/o Ram Kishun Yadav R/o - Shumbha Jee Ghat, P.S - Alauli, District - khagaria
2. Golu Yadav @ Gulo Yadav S/o Musharu Yadav R/o - Shumbha Jee Ghat, P.S - Alauli, District - khagaria
3. Prakash Yadav @ Ram Prakash Yadav S/o Baldeo Yadav R/o - Shumbha Jee Ghat, P.S - Alauli, District - khagaria
4. Vikash Kumar @ Vikash Yadav S/o Kailu Yadav R/o - Shumbha Jee Ghat, P.S - Alauli, District - khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Alauli P.S. Case No. 96 of 2015 registered for the offences punishable under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the petitioners along with other co-accused were loading fodder on the tractor of the petitioner Prakash Yadav,

accordingly when the informant objected then Prakash assaulted him by an iron rod causing injury on head, while his brother was assaulted by Sikandar by a sharp edge weapon causing injury on head.

4. Learned counsel for the petitioners submits that from the perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the informant is against Prakash, but then the injuries sustained by the informant is simple in nature and the blow was not repeated. It is also submitted that the police after investigation submitted the charge-sheet under Section 323, 341, 504 and 34 of the IPC, but the learned Magistrate differing with the police report took cognizance of the offence under Section 307 of the IPC also. It is thus submitted that when one Investigating Agency after investigating the case threadbare came to a considered conclusion that the offences committed were bailable, but then based on the same report cognizance came to be taken under Section 307 of the IPC, hence, it is submitted that would it be prudent for this Court to send the petitioners to jail based on order of cognizance.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the

event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Alauli P.S. Case No. 96 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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