

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44829 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -BITHAN BAZAR District- SAMASTIPUR

Sanjeet Kumar & Ors.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46814 of 2014

Arising Out of PS.Case No. -50 Year- 2014 Thana -BITHAN BAZAR District- SAMASTIPUR

Bhushan Yadav & Anr.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44829 of 2014)

For the Petitioner/s : Mr. Brij Kishore Mishra

For the Opposite Party/s : Md. Arif- (A.P.P.)

(In Cr.Misc. No.46814 of 2014)

For the Petitioner/s : Mr. Sachida Nand Rai

For the Opposite Party/s : Mr. Murlidhar(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 13-04-2015 Cr. Misc. No.44829 of 2014 wherein Sanjeet Kumar, Makun Yadav @ Mukun Yadav and Uma Yadav are the petitioners whereas Cr. Misc. No.46814 of 2014 wherein Bhushan Yadav and Babmbam Yadav @ Bambam Yadav are the petitioners commonly originate out of Bithan P. S. Case no.50 of 2014, on account thereof, have been heard together and are being disposed of by a common order.

Learned counsel for the petitioners submitted that

petitioner Bhushan Yadav and Babmbam Yadav @ Bambam Yadav have already been arrested and on account thereof, Cr. Misc. no.46814 of 2014 has become infructuous, and is accordingly, held so.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

Petitioners along with others dragged the informant to their house where they brutally assaulted, snatched away motorcycle and other belongings, chopped of both hands and also sprinkled acid over face and other parts of body, which is found corroborated with the medical evidence.

It has been submitted on behalf of petitioners that it is a fit case wherein petitioners should be released on an anticipatory bail in the background of the fact that Bhushan Yadav happens to be a railway contractor, from whom the informant at an earlier occasion demanded Rs. Five lacs as *rangdari* and threatened that in case of non-payment of the aforesaid amount, he will be given a lesson. In the aforesaid background, the informant had come to the place whereupon villagers chased, assaulted and that happens to be reason behind that no specific allegation has been attributed against any of the petitioners. Further submitted that Para-63 as well as Para-65 of the case diary support the contention of the

petitioners.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that the manner of assault even in the background of submission made on behalf of petitioners, is found admitted. Then, submitted that the story of demanding of Rs.5,00,000/- as *rangdari* happens to be palpably false in the background of disclosure coming out from Para-64 of the case diary whereunder it is apparent that since before the occurrence, a murder case along with other kinds of cases vide Bithan P. S. Case no.145 of 2013 as well as 59 of 2013 happens to be in between the parties since before the occurrence.

In the aforesaid facts and circumstances of the case, I do not see it a fit case for grant of anticipatory bail. Accordingly, prayer of petitioners for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

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