

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8381 of 2017

Arising Out of PS.Case No. -412 Year- 2015 Thana -BAHERA District- DARBHANGA

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Amresh Yadav @ Amresh Kumar Yadav, son of Laltun Yadav, resident of
Village- Dakhram, Police Station- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-12-2017

Heard Mr. Girish Chandra Jha, learned counsel
for the petitioner and Mr. J.N. Thakur, learned counsel for the
State.

The petitioner has renewed the prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 341, 342, 323, 324, 307, 504, 506 and 379/34 of
the Indian Penal Code.

The prosecution case is that the accused persons
including the petitioner came to the house of the informant and



started assaulting the informant and when the wife of the informant came to his rescue, co-accused Mantosh Yadav, with intention to kill, inflicted Farsa blow causing injury on her head and thereafter co-accused Rajendra Yadav put the rope around the neck of the wife of the informant and began dragging her and further when the family members of the informant came to rescue, they were also assaulted. It is specifically alleged that co-accused Santosh Yadav caused injury with Farsa on the head of the informant's sister. The accused persons also took away jewellery and other articles.

It is submitted by learned counsel for the petitioner that only accusation against the petitioner is of taking away a box from the house. There is no specific accusation of assault against the petitioner. The specific accusation of assault is against co-accused Mantosh Yadav, Rajendra Yadav and Santosh Yadav, who are not the petitioners. There is counter version of the occurrence and the petitioner side has also received injury. It is further submitted by learned counsel for the petitioner that earlier anticipatory bail application of the petitioner was disposed of vide order dated 15.12.2015 passed in Cr. Misc. No. 55617 of 2015 with observation that the facts constitute good ground for prayer for bail, if the petitioner surrenders before the learned Court below



within a period of six weeks. However, subsequent to disposal of earlier bail application, on conclusion of investigation, Final Report No. 123/16 has been submitted before the learned Court below on 29.05.2016, but the petitioner has not been sent up for trial though the charge-sheet was submitted against others. However, differing with the final form, as contained in Annexure-4, vide order dated 10.01.2017 passed by learned ACJM, Benipur, as contained in Annexure-5, cognizance has been taken against the petitioner also under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 504, 506 and 379 of the Indian Penal Code. Hence, the present application has been filed, with a renewed prayer for anticipatory bail.

Considering the fact that specific accusation of assault has not been levelled against the petitioner and on conclusion of the investigation after disposal of the earlier anticipatory bail application, the petitioner has not been sent up for trial coupled with the statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 412 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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