

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2059 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- BARABAR TOURIST District- Jehanabad

1. Arjun Yadav, S/o Late Chalitar Yadav @ Late Charitar Yadav,
2. Krishna Yadav S/o Late Chalitar Yadav @ Late Charitar Yadav,
3. Mithilesh Yadav S/o Rohan Yadav, All R/o Village- Koyari Bigha, P.S.- Barabar Prayatan Tourism (Bishunganj O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. SRI AJAY KUMAR JHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,504,307 and 353 of the IPC.

The prosecution case as per the written report of Awadhesh Kumar, SI of Police-cum-Officer-in-charge of Bisunganj OP Police station is to the effect that on 23.10.2017 at 1.30 chowkidar Naresh Kumar conveyed to the informant on phone that the accused persons including the owner of the Pick Up van which dashed one Ramprit Choudhary, were trying to take away the vehicle, when the injured side including the petitioners resisted the effort of the owner side. Thereafter, the informant after making Sanha entry proceeded to the spot and



found that nine accused persons including the petitioners along with 15-20 unknown were not allowing the vehicle being taken away, when the police applied force and took the possession of the vehicle in question.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The petitioners are not the owner of the vehicle in question. The owner was allowed by the victim side to take the vehicle on payment of Rupees Ten Thousand. Moreover, it was a dispute between the injured side and the owner of the vehicle in question. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Co-accused Awadhesh Choudhary and Rajkishore Yadav have been granted anticipatory bail vide Cr. Misc. No. 62636 of 2017.

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that the petitioners are not having criminal antecedent and the fact that co-accused have been granted anticipatory bail by a co-ordinate bench of this court, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of the learned JM Ist
Class, Jehanabad, in connection with Barabar Prayatan
/Tourism (Bishunganj OP) P.S. Case No.67 of 2017 subject to
the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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