

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22920 of 2018

Arising Out of PS.Case No. -4 Year- 2017 Thana -KOPA District- SARAN

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1. Ajit Kumar Yadav @ Ajit Rai, S/o Shiv Shankar Rai,
2. Sanjit Kumar Yadav @ Sanjit Rai, S/o Prabhunath Ray,
3. Sujit Kumar @ Chhote Lal Rai @ Chhote Rai, S/o Prabhunath Ray, All
R/o Vill.- Dhenuki, P.S.- Kopa, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No.3,APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in a case instituted
for the offences under Sections 406, 420, 341, 323, 447, 324,
379 and 504/34of the Indian Penal Code.

As per allegation made in the First Information Report
the petitioners who are accused of the aforesaid case variously
armed came and assaulted the informant.

Learned counsel for the petitioners has made available
photocopy of the case diary which has been verified by learned
counsel the State and he has submitted that there is direct
allegation against Ajit Kumar Yadav alias Ajit Rai and Sujit



Kumar alias Chhote Lal Rai alias Chhote Rai. They have assaulted Ranjit Rai and Sanjit Rai.

Learned counsel for the petitioner submits that alleged offence has taken place on 27.12.2016 but it has been registered on 11.1.2017 itself creates doubt about genuineness of the statement, inasmuch as Amit Kumar Yadav has also lodged a criminal case against the informant's side which has been registered as Kopa P.S. Case No.154 of 2016 dated 27.12.2016 where allegation has been made against informant's side. Petitioner nos. 1 and 3, namely, Ajit Kumar Yadav alias Ajit Rai and Sujit Kumar alias Chhote Lal Rai alias Chhote Rai have criminal antecedent and there is no criminal antecedent petitioner no.2, namely, Sanjit Kumar Yadav alias Sanjit Rai.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner no.2, namely, petitioner no.2, namely, Sanjit Kumar Yadav alias Sanjit Rai, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Chapra, Saran in connection with Kopa P.S. Case No.4 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure. It is made clear that if the petitioner will not co-operate during course of investigation and join for interrogation the police will be at liberty to file an application for cancellation of bail.

With respect to petitioner nos. 1 and 3, namely, Ajit Kumar Yadav alias Ajit Rai and Sujit Kumar alias Chhote Lal Rai alias Chhote Rai , this Court is not inclined to enlarge them on anticipatory bail. Accordingly their prayer for bail is rejected. However, if the petitioner nos.1 and 3 surrender before the court below within a period of three weeks from today, the court below will pass an order on its own merit without being prejudiced by the order passed by this Court.

Vinay/-

(Shivaji Pandey, J)

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