

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62450 of 2019**

Arising Out of PS. Case No.-159 Year-2019 Thana- GHOSI District- Jehanabad

1. NASIV LAL YADAV Son of Late Ram Bhajan Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
2. Pawan Yadav @ Pawan Yaav Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
3. Ranjan Kumar Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
4. Golu Kumar Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
5. Pankaj Kumar @ Pankaj Yadav Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
6. Raushan Kumar Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
7. Pappu Kumar Son of Nasila Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
8. Bikki Kumar Son of Uday Lal Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
9. Prasant Kumar Son of Uday Lal Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.
10. Santosh Yadav Son of Bharath Yadav Resident of Village- Lakhawar, P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha  
For the Opposite Party/s : Mr.Rita Verma

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      20-11-2019                      At the outset it is submitted by the learned counsel for the petitioners that petitioner nos. 1, 7 and 8 were arrested during pendency of this application and, as such, the prayer for bail on their behalf was withdrawn which has been corroborated



in order dated 01.10.2019.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Ghosi P.S. Case No. 159 of 2019 registered for the offence punishable under sections 147, 148, 323, 324, 325, 30, 379, 385, 504 and 353 of the Indian Penal Code.

As per allegation made in the F.I.R., petitioner nos. 2 and 5 are alleged to have demanded rangdari of Rs. 50,000/- from a ward member. Subsequently it is alleged that petitioner nos. 2 and 5 along with petitioner no. 1 assaulted the nephew of the informant with lathi, rod etc. causing grievous injuries. It is further alleged that other accused persons, who are petitioners herein were in wait and they also assaulted, causing injuries to the informant's party.

It is submitted by the learned counsel for the petitioners that there is case and counter case between the parties, the FIR of the counter case having been brought on record as annexure-2 to the application wherein the accused persons have been enlarged on anticipatory bail vide order dated 08.08.2019 passed in Cr. Misc. No. 49585 of 2019.



It is submitted by the learned counsel appearing for the informant that from bare perusal of the FIR of the counter case, it would transpire that the same was registered much later, almost seven days after the instant FIR. It is further submitted that there is direct allegation not only against the petitioner nos. 2 and 5 but also against the rest of the petitioners and, as such, this is not an appropriate case for grant of anticipatory bail.

The application for bail is also opposed by the learned APP for the State.

Having heard the learned counsel for the parties and considering the nature of allegation as also there is case and counter case, this Court is inclined to grant anticipatory bail to petitioner nos. 3, 4, 6, 9 and 10 and they are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Jehanabad in connection with Ghosi P.S. Case No. 159 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 2 and 5 is concerned, there is direct allegation of assault against them, this court is not inclined



to grant them bail and, as such, the application for anticipatory bail of petitioner nos. 2 and 5 is rejected. They are directed to surrender in the court below within a period of six weeks.

**(Partha Sarthy, J)**

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