

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29685 of 2020**

Arising Out of PS. Case No.-72 Year-2020 Thana- SONBERSA District- Saharsa

1. BISHESHWAR YADAV@ VISESHWAR YADAV S/o Late Fulo Yadav Resident of Village- Pravaha, P.S.- Sonbarsa Raj, District- Saharsa.
2. Ratan Yadav S/o Bisheshwar Yadav @ Viseswar Yadav Resident of Village- Pravaha, P.S.- Sonbarsa Raj, District- Saharsa.
3. Manikant Yadav S/o Bisheshwar Yadav @ Viseswar Yadav Resident of Village- Pravaha, P.S.- Sonbarsa Raj, District- Saharsa.
4. Gagan Yadav @ Gagan Kumar Gunjan S/o Late Shiv Kumar Yadav Resident of Village- Pravaha, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-12-2020              Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

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

At the very outset, it is submitted that during pendency of this application, the petitioner Nos. 1, 2 & 3 have already been taken in judicial custody. Hence, this application with regard to petitioner Nos. 1, 2 & 3 has become infructuous.



Accordingly, this application with regard to petitioner Nos. 1, 2 & 3 is dismissed as withdrawn being infructuous.

Now, this application is confined with respect to petitioner No. 4 only.

The petitioner No. 4 is apprehending his arrest in a case registered under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

Allegedly, all the accused persons having reached at the door of the informant, started abusing and entered the house. It is also alleged that they took away domestic goods as well as documents and when it was protested, Ratan Yadav gave farsa blow to the informant as a result of which, he sustained injury. While nephew of the informant came to rescue the informant, he was also assaulted,

It has been submitted on behalf of the petitioner No. 4 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 4. There is no allegation of assault alleged against petitioner No. 4. The allegation of assault has been made against the petitioner No. 2 and the nature of injury is said to be simple. Hence, no offence u/S 307 of the Indian Penal Code is made out. Rest of the offences are triable by the Magistrate.



On behalf of the State, it is submitted that the petitioner No. 4 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 4 namely Gagan Yadav @ Gagan Kumar Gunjan, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar-VI, learned Judicial Magistrate-Ist Class, Saharsa in connection with Sonbarsa Raj P.S. Case No. 72 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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