

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70822 of 2019

Arising Out of PS. Case No.-109 Year-2013 Thana- SHANKARPUR District- Madhepura

1. Santosh Kumar Son of Late Rajeshwar Yadav Resident of Village- Turkahi, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.
2. RanVijay Kumar Yadav @ RanVijay Yadav @ RanVijay Kumar Son of Ashok Yadav Resident of Village- Turkahi, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2020 Though the matter has been listed under the heading 'For Orders (On Office Notes)' but on the prayer of learned counsel for the petitioners, it has been taken up for hearing.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners earlier moved this Court vide Cr. Misc. No. 29846 of 2015.

The prosecution case is that on the order of co-accused Shiv Narayan Yadav, co-accused Neelam Devi dragged the informant when petitioner no. 2, Ranvijay Yadav assaulted



the informant with farsa but when the husband of the informant and Umesh Yadav came to rescue, petitioner no. 1, Santosh Yadav assaulted the husband of the informant with farsa who fell down and became unconscious. Thereafter, co-accused Surya Narayan Yadav assaulted Umesh Yadav causing injury on his head, as a result, he also became unconscious. It is further alleged that co-accused Surya Narayan Yadav fired and other co-accused persons took away the informant's cash amount, ornaments and other relevant papers.

However, it is submitted by learned counsel for the petitioners that the petitioners were given the privilege under Section 41A of the Code of Criminal Procedure which suggests that there was no requirement for the police to arrest the petitioners. Moreover, petitioner no. 2 and informant are full brothers and the informant has entered into compromise.

Considering the nature of accusation, this Court vide order dated 28.07.2015 passed in Cr. Misc. No. 29846 of 2015 gave liberty to the learned Court below to consider the prayer for regular bail of the petitioners, if they surrender within six weeks in connection with Shankarpur P.S. Case No.109 of 2013. However, subsequently through Cr. Misc. No. 55974 of 2015, petitioners sought for the modification of the earlier order dated



28.07.2015 passed in Cr. Misc. No. 29846 of 2015 only to the extent of extending the period of surrender. This Court vide order dated 20.01.2016 modified the earlier order and extended the period of surrender by three weeks and thereafter, the present application has been filed. Hence, there is no question of revising the earlier order.

It will be open for the learned Court below to consider the prayer for regular bail of the petitioners preferably on the same day, if the petitioners surrender before the learned Court below within a period of six weeks from today in connection with Shankarpur P.S. Case No. 109 of 2013, pending in the Court of learned Judicial Magistrate, Ist Class, Madhepura.

Accordingly, this application is disposed of with the above observation and direction.

(Dinesh Kumar Singh, J)

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