

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1125 of 2020

Arising Out of PS. Case No.-157 Year-2019 Thana- WAJIRGANJ District- Gaya

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1. Rakesh Yadav, S/o Tulsi Yadav R/o Village- Sakardas Nawada, P.S.- Wazirganj, District- Gaya.
 2. Tulsi Yadav, S/o Sidhari Mahto R/o Village- Sakardas Nawada, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-02-2020 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 302 of the IPC.

The prosecution case, as per the written report of Sanjay Kumar, dated 13.05.2019 submitted to the Station House Officer, Wazirganj Police Station, is to the effect that on 11.05.2019 at about 10 P.M., on the eve of marriage of the nephew of the informant, namely, Ravi Kumar, there were several guests in the house, in the meantime, all the accused persons including the petitioners entered into the house of the informant and started misbehaving with the female members



and snatched jewellery and when the uncle of the informant, Yogendra Prasad made protest, co-accused, Munshi Yadav abused him and co-accused Amirak yadav and Tripit Yadav assaulted him with axe, as a result, the uncle of the informant fell down and became unconscious. Other co-accused persons also caused injury to the other uncle of the informant, namely, Suman Ram. Subsequently, Yogendra Prasad succumbed to the injuries.

It is submitted by learned counsel for the petitioners that though the petitioners are named in the FIR, but no specific accusation of assault has been levelled against them. It is further submitted that similarly situated co-accused Devendra Yadav and others have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.11.2019, passed in Cr. Misc. No. 51498 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that specific accusation of assault has not been levelled against the petitioners and similarly situated co-accused being granted anticipatory bail by a Co-



ordinate Bench of this Court, coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Gaya in connection with Wazirganj P.S. Case No. 157 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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