

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4424 of 2020

Arising Out of PS. Case No.-272 Year-2019 Thana- KONCH District- Gaya

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1. MANTU YADAV S/o Anil Yadav Resident of Village and Post- Bargaon,
P.S.- Konch, Distt- Gaya (Bihar)
 2. Sunil Yadav S/o Bhuneshwar Yadav Resident of Village and Post- Bargaon,
P.S.- Konch, Distt- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 11-02-2021 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Konch P.S. Case No. 272 of 2019 (G.R. No. 4737 of 2019) for the offence
punishable under Sections 147, 149, 341, 342, 448, 307, 354 and 504
of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that
the petitioners are innocent and have not committed any offence. In
fact, the petitioners have falsely been implicated in this case due to
previous enmity as the parties happened to be next door neighbor
(gotia) and they are having inimical term since long. Hence, the
petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail
and submitted that there is direct allegation of assault by lathi against



the petitioner No.1 resultantly the informant sustained injury which is evident from the statement of the victim-informant recorded at paragraph -35 of the case diary. Moreover, he has got antecedents of two other cases. But the injured has not disclose the name of Petitioner No.2 in her statement. He has got clean antecedent.

Considering the facts and circumstances of the case, let petitioner No.2, Sunil Yadav, in the event of his arrest or surrender before the court below within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Gaya in connection with Konch P.S. Case No. 272 of 2019 (G.R. No. 4737 of 2019) subject to the conditions laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No.1, Mantu Yadav, is concerned, considering the nature of allegation against him and the statement of victim, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Arvind Srivastava, J)

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