

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36196 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- SHERGHATI District- Gaya

1. Degan Yadav S/O Akal Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
2. Shankar Yadav S/O Jitan Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
3. Manoj Yadav S/O Jitan Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
4. Mahesh Yadav S/O Degan Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
5. Rajesh Yadav S/O Degan Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
6. Chhotu Yadav S/O Niru Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
7. Prakash Kumar Yadav S/O Niru Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
8. Bhikhan Yadav @ Bhichhan Yadav S/O Akal Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.
9. Lalu Yadav @ Lalu Kumar @ Ramashish Yadav @ Ramashish Kumar S/O Bhikhan Yadav Resident Of Village Jol Bigha Ps Dobhi, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021 Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner nos. 1, 2 and 8 as they have taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect



of petitioner nos. 1, 2 and 8.

Heard learned counsel for the petitioner nos. 3 to 7 and 9 and learned APP for the State.

Learned counsel for the petitioner nos. 3 to 7 and 9 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner nos. 3 to 7 and 9 are apprehending their arrest in a case registered under Sections 147, 341, 323, 504, 506, 325, 307 and 379 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner nos. 3 to 7 and 9 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 3 to 7 and 9. The petitioner nos. 3 to 7 and 9 have falsely been implicated in the present case. The petitioner nos. 3 to 7 and 9 have been made accused due to previous enmity. The F.I.R. has been instituted after six days of the alleged occurrence. For a petty reason, the alleged occurrence is said to have taken place. As far as petitioner nos. 5, 6 and 9 are concerned, there is no allegation of assault alleged against them.



On behalf of the State, it is submitted that the petitioner nos. nos. 3 to 7 and 9 are named in the F.I.R. There is specific allegation of assault against petitioner nos. 3, 4 and 7.

Considering the same I am not inclined to grant anticipatory bail to petitioner nos. 3, 4 and 7. The prayer is rejected. If the petitioner nos. 3, 4 and 7 surrender and pray for bail, the same shall be considered on its own merit without being prejudiced by this order.

As far as petitioner nos. 5, 6 and 9 are concerned, since there is no allegation of assault alleged against them, let the petitioner nos. 5, 6 and 9, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Sherghati P.S. Case No. 126 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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