

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39119 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- PARAIYA District- Gaya

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1. Birbal Yadav, aged about 50 years, male, Son of Vishun Yadav @ Bishun Yadav
 2. Dhirendra Yadav @ Dhirendra Kumar Yadav, aged about 45 years, male, Son of Vishun Yadav @ Bishun Yadav
 3. Nitish Kumar, aged about 20 years, male, Son of Birbal Yadav
 4. Pappu Kumar, aged about 24 years, male, Son of Birbal Yadav
 5. Satish Kumar, aged about 22 years, male, Son of Birbal Yadav
 6. Munna Kumar @ Priyanshu Kumar, aged about 20 years, Son of Shirendra Yadav @ Dhirendra Yadav

All are resident of Village-Kasthua, P.S.-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv.
For the Informant	:	Md. Javed Jafar Khan, Adv.
For the State	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-04-2021 Mr. Vikram Deo Singh, learned Advocate for the

petitioners seeks permission to withdraw this application with

respect to petitioner No. 2, viz., Dhirendra Yadav @



Dhirendra Kumar Yadav, who has been arrested.

Prayer is allowed.

The application with respect to petitioner No. 2 stands dismissed as withdrawn.

In case the petitioner No. 2 prefers an application for bail, the same shall be considered on its own merits without being prejudiced by the fact that the present anticipatory bail application on his behalf has been withdrawn.

Heard Mr. Vikram Deo Singh, learned Advocate for the petitioners and Md. Javed Jafar Khan, learned counsel for the informant. The State is represented by Md. Aslam Ansari, learned APP.

The petitioner Nos. 1, 3, 4, 5 and 6 seek bail in anticipation of their arrest in connection with Paraiya P.S. Case No. 71 of 2020, dated 25.04.2020, instituted for the offences under Sections 427, 341, 323, 307, 325 and 379/34 of the Indian Penal Code.

The petitioner Nos. 1, 3, 4, 5 and 6 are said to have assaulted the persons of the prosecution party. The



petitioner Nos. 1, 3, 4 and 6 are stated to have assaulted Shyamdev Yadav, the informant and one Kundan Kumar, all of whom have received simple injuries. The assault perpetrated by petitioner No. 5 has resulted in grievous injury on one Rishiraj Kapoor.

Considering the nature of assault, I am not inclined to grant anticipatory bail to petitioner No. 5, viz., Satish Kumar.

The prayer for grant of anticipatory bail of petitioner No. 5 is, accordingly, rejected.

However, if petitioner No. 5 surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

Considering the other aspects of the matter, the petitioner Nos. 1, 3, 4 and 6, namely, Birbal Yadav, Nitish Kumar, Pappu Kumar and Munna Kumar @ Priyanshu Kumar respectively, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are



directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 71 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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