

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40096 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- KAKO District- Jehanabad

1. MANOJ YADAV s/o Jageshwar Yadav Resident of Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
2. Binod Kumar s/o Neman Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar), District- Jehanabad
3. Udit Yadav son of Neman Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
4. Sudhir Kumar son of Neman Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
5. Guddu Yadav son of Mithlesh Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
6. Nand Kumar son of Bhutai Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
7. Anuj Yadav son of Jagdish Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
8. Navlesh Yadav son of Awadhesh Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
9. Awadhesh Yadav son of Late Jagdish Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
10. Kamlesh Yadav son of Chanarik Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
11. Madhesh Yadav son of Jagdish Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
12. Santosh Kumar son of Neman Yadav Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
13. Noman Yadav son of Late Bal Govind Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad
14. Mithlesh Yadav son of Chandeshwar Lal Yadav Resident of Village- Bara Tola Kothia, PS- Kako (Bhelawar O.P.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Adv.
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2021 The instant case is being heard on behalf of petitioner



nos.3, 4, 5, 9, 10, 11 and 12.

Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

Learned APP for the State has filed a counter-affidavit in the present case. The same is taken on record.

The petitioners apprehend their arrest in a case in connection with Kako (Bhelawar O.P.) P.S. Case No.61/2020, registered for the offence punishable under Sections 147, 148, 149, 323, 324, 341, 307, 325, 353, 224, 225, 333, 332, 337, 338, 186 of the IPC and sections 25 (1-B)a/26/35 of the Arms Act.

The allegation against the petitioners is that they along with several named accused persons and 20-25 unknown persons formed an unlawful assembly and attacked the police party with lathi, danda and garasa in order to release one Arun Yadav, who was arrested for carrying unlicensed pistol and due to such attack, the police party got injured.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to village



political rivalry. No such occurrence as alleged ever took place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Nothing has been recovered from the possession of the petitioners. They have no criminal antecedent, as mentioned in para-3 of the application.

Learned counsel for the State opposed the prayer for bail and submits that the petitioners along with other accused persons formed an unlawful assembly and attacked the police party with weapons for a demand to release the apprehended accused Arun Yadav. Learned APP has filed the counter-affidavit and annexed the injury reports of the injured. The petitioners along with other co-accused have deliberately committed such offence and after that they took away the said Arun Yadav from the police.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner nos.3, 4, 5, 9, 10, 11 and 12.

Accordingly, the bail application is dismissed with regard to these petitioners.

(Anjani Kumar Sharan, J)

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