

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8584 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. JANAK KISHOR YADAV Son of Swaminath Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan.
2. Ashok Yadav @ Ashok Kumar Son of Swaminath Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan.
3. Santosh Yadav Son of Swaminath Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan.
4. Awadh Kishor Yadav Son of Swaminath Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan.
5. Ram Awadh Kumar Yadav Son of Swaminath Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan.
6. Swaminath Yadav @ Swaminath Chaudhary Son of Late Manohar Yadav Resident of Village - Sandokhor, P.S.- Hussainganj, District - Siwan

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-11-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission



to withdraw this application in respect of petitioner nos.2, 4 & 6 submitting that during pendency of this application they have been arrested and granted bail by the learned Court below.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner nos.2, 4 & 6 only and this application is now in respect of rest of the petitioners.

The petitioners apprehend their arrest in Hussainganj P.S. case No. 131 of 2020 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned Chief Judicial Magistrate, Siwan.

The accusation against the petitioners is that while the father of the informant was going to Tikari and when he reached near the house of Janak Kishor Yadav, petitioners along with other co-accused are said to have surrounded and started abusing him. Petitioner no.2 resorted firing from the country made pistol which did not hit him. Petitioner no.2 also assaulted him with danda due to which both hands of the father of the informant injured. Petitioner no. 3 assaulted with Khoncha. Petitioner no.4 snatched away Rs.50,000/- from



pocket of the father of the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. There is case and counter case between the parties. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature and as the injury sustained by the victim is grievous in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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