

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9337 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- GHOSI District- Jehanabad

1. SATISH YADAV Son of Late Kailash Yadav @ Baleshwar Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.
2. Kallu Yadav Son of Late Kailash Yadav @ Munni Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.
3. Sunil Yadav @ Sunil Kumar Son of Yadunandan Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.
4. Birjan Kumar @ Birjan Yadav Son of Bahadur Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.
5. Om Prakash Yadav @ Bhui Lal Yadav Son of Late Bali Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.
6. Basant Yadav Son of Late Muni Yadav Resident of Village - Lakhwar, Police Station - Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Devi Das Srivastava, learned counsel

for the petitioners and Mr. Md. Aslam Ansari, the learned

APP for the State.

Mr. Srivastava, the learned counsel for the

petitioners seeks permission to withdraw the petition with

respect to the petitioner nos. 1, 2, 4, 5 and 6, who have

surrendered before the court below during the pendency of

this petition and have been granted bail by the court below.



The petition with respect to the petitioner nos. 1, 2, 4, 5 and 6 is dismissed as having become infructuous.

The learned counsel for the petitioners presses this petition only with respect to the petitioner no. 3.

The petitioner no. 3 seeks bail in anticipation of his arrest in connection with Ghosi P.S. Case No. 173 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The accusation against him is of having assaulted on the head of the informant as a result of which he fell down whereafter others also assaulted him.

The injuries suffered by the informant are stated to be simple in nature.

Be that as it may, regard being had to the fact that all other accused persons have been granted regular bail, this Court is not inclined to exercise its discretion for grant of anticipatory bail to the petitioner no. 3, who has been attributed with an overt act.

The prayer for anticipatory bail of the petitioner no.



3 is rejected.

If the petitioner no. 3 surrenders before the Court below and seeks bail, it shall be considered that all other accused persons have been granted bail and an order shall be passed without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

