

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8723 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- TEKARI District- Gaya

1. BIRENDRA YADAV S/o Ramavtar Yadav Resident of Village- Sohar Bigha, P.S.- Tekari (Panchanpur O.P.), District- Gaya.
2. Kamlesh Yadav S/o Dwarika Yadav Resident of Village- Sohar Bigha, P.S.- Tekari (Panchanpur O.P.), District- Gaya.
3. Lalan Yadav S/o Badhan Yadav @ Dularchan Yadav Resident of Village- Sohar Bigha, P.S.- Tekari (Panchanpur O.P.), District- Gaya.
4. Sindhu Kumar @ Gora Yadav S/o Badhan Yadav @ Dularchand Yadav Resident of Village- Sohar Bigha, P.S.- Tekari (Panchanpur O.P.), District- Gaya.
5. Awadhesh Yadav S/o Dwarika Yadav Resident of Village- Sohar Bigha, P.S.- Tekari (Panchanpur O.P.), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.3, as he has been apprehended by the police during pendency of this



application.

Permission is granted.

Accordingly, the instant application as against petitioner no.3 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner nos. 1, 2, 4 and 5 only.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 307, 353, 504, 506, 431 of the Indian Penal Code and $\frac{3}{4}$ of Damage Property Act.

Allegedly, due to the death of a child in a pond 200-300 villagers armed with weapons assembled and abused and attacked the police force and blocked the road.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The petitioners were identified by a local chaukidar. There is no independent witness to support the prosecution case. Petitioners have no criminal antecedent, as



also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, since there is no specific overt act against the petitioners, let the petitioner nos.1, 2, 4 and 5, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Tekari (Panchanpur O.P.) P.S Case No.326 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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