

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22630 of 2021

Arising Out of PS. Case No.-2 Year-2018 Thana- FATEHPUR District- Gaya

1. Birendar Yadav Son Of Kedar Yadav R/O Village- Bhagmandwa, P.S.- Fatehpur, District-Gaya
2. Jitendra Kumar@Jitendra Yadav Son Of Kedar Yadav R/O Village- Bhagmandwa, P.S.- Fatehpur, District-Gaya
3. Kedar Yadav Son Of Late Dhanu Yadav R/O Village- Bhagmandwa, P.S.- Fatehpur, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 323, 308, 325, 379, 447, 554 of the Indian Penal Code.

Petitioners are said to have assaulted the informant by means of iron Axe, Gadasa and lathi as a result of which he sustained injury.



It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He fairly submits that there is specific allegation of assault upon petitioner nos. 1 and 2 who assaulted the informant by means of Tangi and Garasa and petitioner no. 3 took the money from the pocket of the informant. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the fact that there is no specific allegation against petitioner no. 3, the above named petitioner no. 3 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Fatehpur P.S. Case No. 02 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner nos. 1 and 2 is concerned, there is specific overt against them, I am not inclined to enlarge the



petitioner nos. 1 and 2 on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with the aforesaid case.

The application is partly allowed.

(Anjani Kumar Sharan, J)

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