

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13358 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- BARACHATTI District- Gaya

1. VINOD YADAV S/o- Devkinandan Yadav Resident of Village- Gointha Mittha, P.S.- Barachatti, Distt- Gaya.
2. Umesh Yadav S/o Devkinandan Yadav Resident of Village- Gointha Mittha, P.S.- Barachatti, Distt- Gaya.
3. Deepak Yadav S/o Umesh Yadav Resident of Village- Gointha Mittha, P.S.- Barachatti, Distt- Gaya.
4. Sukesh Yadav @ Sampu S/o Umesh Yadav Resident of Village- Gointha Mittha, P.S.- Barachatti, Distt- Gaya.
5. Raushan Yadav S/o Vinod Yadav Resident of Village- Gointha Mittha, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the informant/s	:	Mr. Arvind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 447, 341, 323, 307 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 3 has antecedent of one case and rest of the petitioners are persons with clean antecedent and the informant



alleges that on 10.02.2021 at 8:00 PM, when informant was at his house when the accused persons, including the petitioners, came variously armed and started abusing and assaulting the informant to which the informant protested when Deepak Yadav (petitioner no. 3) assaulted the informant with Khanti on his head causing injury and when his sister-in-law intervened petitioner no. 4 assaulted her with lathi on head causing injury, it is next alleged that petitioner nos. 1 and 2 assaulted informant's brother on head causing injury and petitioner no. 5 assaulted his mother with lathi fracturing her left hand, it is next alleged that the petitioner no. 3 threatened to kill the informant if a case was lodged.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that the informant very wisely has alleged against all the accused specifically of assaulting the injured, it is next submitted that when an occurrence is committed, it is difficult to alleged allegations with such precision, the learned counsel next submits that such an occurrence took place, but the FIR does not remotely suggest that this occurrence was witnessed by any villagers or



neighbours of the informant, it is also submitted that informant by way of afterthought implicated the petitioners as the date of occurrence is 10.02.2021 and the FIR came to be instituted on 14.02.2021.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not able to meet the submission of the learned counsel for the petitioners that there was an inordinate delay in instituting the FIR without any plausible explanation, at this stage the learned counsel for the petitioner submits that had the informant or any one from his side would have been injured in the manner as it is alleged then definitely the hospital where they had gone for treatment would have informed the police about occurrence, but that is not the case in the present case, which further creates doubt with regard to the veracity of the allegations.

Considering the submissions made by the learned counsel for the petitioners,, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with
Barachatti P.S. Case No. 104 of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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