

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15118 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. Chhotu Yadav @ Chhotu Kumar And Others Son Of Awdhesh Yadav Resident Of Vill- Beldariya Par, P.S Deep Nagar, Dist.- Nalanda.
2. Vikash Kumar Son Of Nande Yadav Resident Of Vill- Beldariya Par, P.S Deep Nagar, Dist.- Nalanda.
3. Pankaj Kumar @ Aryan Raj Son Of Nande Yadav Resident Of Vill- Beldariya Par, P.S Deep Nagar, Dist.- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar- Advocate
For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 The case of the petitioner no.1 was withdrawn by order dated 30.06.2022.

The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.3 as he has been arrested.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.3 as having become infructuous.

Heard learned counsel for the petitioner no.2 and learned APP for the State.



The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 294 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 17.09.2021, he along with his father had gone to take Prasad of Vishwakarma Puja where petitioner along with other accused persons were playing vulgar songs in an intoxicated condition and when Naro Yadav objected, he was assaulted by the accused persons including the petitioner and when the father of the informant intervened to save Naro Yadav, it is also alleged that Devendra Yadav assaulted him by a rod causing injury on head, Diwakar Yadav @ Kara assaulted with butt of pistol causing injury on his eye. Further, Soni Yadav gave khanti blow to Mithilesh Yadav, who assaulted on head causing injury and other accused persons including the petitioner assaulted by lathi and danda.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the F.I.R. is against 18 named accused persons. It is also submitted that as far as this petitioner is



concerned, the allegation against him is general and omnibus in nature as no specific overt act of assault is alleged against him.

Learned A.P.P. opposes the bail application and submits that no doubt, there is specific allegation of assault against the named accused persons, but then they denied any relation with the group in which petitioner was also present for committing the occurrence. It is next submitted that no doubt, there is no specific allegation of assault alleged against the petitioner, but then he was a member of unlawful assembly..

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Deep Nagar P. S. Case No.332 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner no.2 shall be his father namely, Nande Yadav.

The application stands allowed.



However, in the event, if police after investigation submits charge-sheet against the petitioner no.2, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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