

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15740 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- NTPC KHAIRA District- Aurangabad

1. NIRAJ KUMAR YADAV @ NIRAJ YADAV S/o Birendra Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.
2. Nitish Yadav S/o Birendra Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.
3. Birendra Yadav Son of Ramdas Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.
4. Baban Yadav S/o Sarayu Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.
5. Nikhil Yadav Son of Sachit Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.
6. Kamal Yadav Son of Late Naresh Yadav Resident of Village- Mandar, P.S.- N.T.P.C. Khaira, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Binod Kumar Pandey, Adv.
For the Opposite Party/s :	Mr.Umesh Lal Verma, APP
	Mr.Shailesh Kumar Singh, Adv.
	Mr.Rajnish Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor 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.

After some arguments, learned counsel for the petitioners



seeks permission to withdraw this application only with regard to the petitioner no.6.

Permission is granted.

This application with regard to the petitioner no.6 stands dismissed as withdrawn.

Now, it is being heard for consideration of anticipatory bail as against the rest of the petitioner nos.1 to 5.

The petitioner nos.1 to 5 apprehend their arrest in a case registered for the offence punishable under Sections 341/ 323/ 325/ 307/ 379/ 34 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners have indiscriminately assaulted the informant by means of lathi and other weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. In the alleged occurrence, both sides have sustained injuries and there is a case and counter-case between the parties. The injuries are simple in nature. Petitioners have no criminal antecedent.



Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since no specific overt act is levelled against the petitioners and there is case and counter-case between the parties, let the above named petitioner nos.1 to 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Khaira P.S. Case No.26 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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