

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25408 of 2022

Arising Out of PS. Case No.-768 Year-2021 Thana- MADHEPURA District- Madhepura

1. DEEP NARAYAN YADAV SON OF LATE KAMLESHWARI YADAV
2. BHUPENDRA YADAV SON OF LATE KAMLESHWARI YADAV
3. NARAYAN YADAV SON OF LATE KAMLESHWARI YADAV
4. ARUN YADAV SON OF DINESH YADAV

All are R/O VILLAGE - KHOPAITI, WARD NO. - 09, P.S. AND
DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi Sri Raman Prasad Sinha, Sr. Advocate Mr. Rupesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, A.P.P.
For the Informant	:	Mr. Raja Surendra Moha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 Heard learned Senior Counsel for the petitioners,
learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504 and 506/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Learned Senior Counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases but he was acquitted in
one case, petitioner no. 2 has antecedent of four cases but he was
acquitted in one case, petitioner no. 3 has antecedent of four cases



but he was acquitted in one case and petitioner no. 4 has antecedent of five cases was acquitted in two cases and petitioners are on bail in all the cases.

The informant alleges that on 26.09.2021, he along with Pinki Devi, the Mukhiya candidate were headed for campaigning when the petitioners along with 7-8 unknown accused intercepted them and started assaulted the informant with lathi and kicks causing injury all over his body. It is further alleged that petitioner no. 4 pressed his neck after climbing on his chest and when the local people tried to pacify the matter Avinah Anand and Vikash Anand opened 8-10 rounds firing from their firearms, thereafter the informant was taken to the hospital for treatment.

Learned Senior Counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is alleged to have taken place on account of dispute relating to election. It is further submitted that the informant alleges that he was taken to hospital after he was assaulted but then from perusal of the FIR, it would manifest that the same is based on a written application. It is next submitted that if what has been alleged in the FIR is true and the informant was taken to the hospital then it was the duty of the hospital to inform the police that some persons in an injured condition based on assault has been treated or admitted but that is not the case in the



present case. It is also submitted that from perusal of Annexure-2 to the anticipatory bail application, it would manifest that the injuries suffered by the injured is simple in nature and is not on the vital part of the body.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioners and submit that petitioners are criminals against whom various cases have been instituted. It is further submitted that petitioner no. 1 has concealed his antecedent as he has four antecedent but in the anticipatory bail application he has mentioned only two antecedent. It is next submitted that even petitioners no. 2 and 3 have concealed their criminal antecedent as petitioner no. 2 has five antecedent and petitioner no. 3 has six antecedent. It is also submitted that petitioner no. 1 has following cases i.e. Madhepura P.S. Case No. 163 of 2005, Madhepura P.S. Case No. 265 of 2005, Madhepura P.S. Case No. 206 of 2010 and Madhepura P.S. Case No. 81 of 2007. It is further submitted that petitioner no. 2 apart from the cases mentioned also has a complaint case against him. It is next submitted that petitioner no. 3 apart from the cases mentioned also has Madhepura P.S. Case No. 263 of 2005 instituted against him.

Considering the submissions made by the learned Senior Counsel for the petitioners, the petitioners above-named, in the event of their arrest or 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.20,000/- (Rupees Twenty 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 Madhepura P.S. Case No. 768 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioners no. 1, 2 and 3 shall verify their criminal antecedents and in the event if it is found that the criminal antecedent were concealed by the petitioners no. 1, 2 and 3 as has been submitted by the learned counsel for the informant then the present anticipatory bail order shall not be acted upon in favour of petitioners no. 1, 2 and 3.

(Satyavrat Verma, J)

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