

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37966 of 2021

Arising Out of PS. Case No.-91 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

1. RAJINDRA YADAV @ RAJENDRA SINGH Son of Late Sahdev Yadav Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
2. JAY KUMAR SINGH @ JAY KUMAR YADAV Son of Rajindra Yadav @ Rajendra Singh Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
3. RAVI SHANKAR YADAV @ RAVI SHANKAR SINGH Son of Rajindra Yadav @ Rajendra Singh Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
4. SURENDRA YADAV @ SURENDRA SINGH Son of Late Sahdev Yadav Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
5. NARSINGH YADAV Son of Late Sahdev Yadav Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
6. RAJ KUMAR @ RAJ KUMAR SINGH @ RAJ KUMAR YADAV Son of Narsingh Yadav Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.
7. GUDDU SINGH @ GUDDU YADAV Son of Narsingh Yadav Resident of Village- Bagaicha, P.S.- Sonhan, District- Kaimur, Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar
For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.



At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner nos.2 and 4, as they have already been arrested by the police, during pendency of this application.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner nos.2 and 4 is dismissed as withdrawn.

Now, the present application is being heard for consideration of anticipatory bail as against rest of the petitioners.

The petitioner nos.1, 3, 5, 6 and 7 apprehend their arrest in a case in connection with Bhabhua (Sonhan) P.S. Case No.91 of 2021, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 326, 379, 354, 504 of the Indian Penal Code.

The prosecution case, in short is that on the alleged date of occurrence, the informant along with others were unloading cement and sand in his lane of house, in the meanwhile, petitioners, armed variously came there and started abusing the informant as to why he parked tractor in the lane. It is alleged that the petitioners poured acid upon one Bhim Kumar, causing



injury on his eye and face. Thereafter they entered into the house of the informant and assaulted his mother by sprinkling acid with intention to kill. They assaulted other family members also and took away valuable articles.

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 at the instance of their enemies. 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. There is case and counter-case between the parties and the present case is the counter-blast of Bhabhua (Sonhan) P.S. Case no.90 of 2021, lodged by the petitioner. The fact is that a free fight has taken place between the parties, in which both sides have sustained injuries and the injury on the person of the informant's side is simple in nature. Petitioner has no criminal antecedent and several similarly situated co-accused in Bhabhua (Sonhan) P.S. Case no.90 of 2021 have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 22.12.2021, passed in Cr. Misc. No.50485 of 2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering that there is case and counter-case between the parties and similarly situated co-accused have been enlarged on anticipatory bail, let the above named petitioner nos.1, 3, 5, 6 and 7, 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 Bhabhua (Sonhan) P.S. Case No.91 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

