

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32202 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- CHANDI District- Bhojpur

1. SURESH YADAV @ SURESH KUMAR S/o late Harinarayan yadav Resident of village- Bishunur, P.s.- chandi, District - Bhojpur.
2. Kamlesh Yadav @ Kamlesh Kumar S/o Late Harinarayan Yadav Resident of village - Bishunur, P.s.- Chandi, District - Bhojpur.
3. Manoj Yadav @ Krishna Kumar S/o Sarda Yadav Resident of village- Bishunur, P.s.- chandi, District - Bhojpur.
4. Bijendra Kumar Yadav @ Bijendra Yadav S/o Late Kishan Yadav Resident of village- Bishunur, P.s.- chandi, District - Bhojpur.
5. Poojari yadav @ Rakesh Kumar Yadav S/o Late Harinarayan Yadav Resident of village - Bishunur, P.s.- chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners submits that during the pendency of the present anticipatory bail application petitioner no. 1, Suresh Yadav @ Suresh Kumar and petitioner no.4 Bijendra Kumar Yadav @ Bijendra Yadav have been arrested as such anticipatory bail application with respect to them has become infructuous thus seeks permission to withdraw the anticipatory bail application against them.

Permission is accorded.



The petitioner nos. 2, 3 and 5 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that petitioners were forcefully extracting money from the vehicle loaded with sand which was objected by the informant on account of which it is alleged that the petitioner assaulted the informant by means of *lathi-danda* and axe and some co-accused even entered the house of the informant and assaulted his family members and injured his son and nephew badly.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, the allegation as alleged in the F.I.R. *prima-facie* appears to be absurd for the reason that if the petitioners were indulging in extraction of money from the vehicle carrying sand then the informant should have informed police, instead of objecting himself. It is further submitted that the present informant and other accused brutally assaulted Hari Narayan Yadav who died in P.M.C.H. and for which the son of the deceased namely, Suresh Kumar had filed Chandi P.S. Case No. 60 of 2022, it is



thus submitted that the present case is a counter blast to the Chandi P.S. Case No. 60 of 2022 as father of Suresh Kumar, who was petitioner no.1 in the anticipatory bail application, was killed at the hands of the informant and other accused persons named in the said F.I.R.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that the injuries are simple in nature (Annexure-3 series to the anticipatory bail application) the petitioner nos. 2, 3 and 5, 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. 10,000/- (Rupees Ten 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 Chandi P.S. Case No. 58 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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