

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38923 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- SURYAGARHA District- Lakhisarai

1. NITYANAND YADAV @ NITIYANAND KUMAR S/o Kaleshwar Yadav
R/o village- Khemtarni Asthan, P.S.- Suryagarha, District- Lakhisarai
2. Sikandar Yadav S/o Dhyani Yadav R/o village- Khemtarni Asthan, P.S.-
Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 427, 354, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that his wife who is Mukhiya had gone for flag hoisting and after hoisting of flag they were sitting in the office when 20 accused persons variously armed came and started assaulting the informant, further Rajiv said that he will not permit flag hoisting, thereafter Nilesh pulled the informant and Nityanand gave orders to kill on which the named



accused persons started assaulting the informant and his family members, further Budh Dev assaulted by an iron rod causing injury on head of the informant, Nikhil assaulted Munshi with pistol butt causing injury on head and also assaulted Govind and Bahadur causing injury on their hand, Nityanand fired indiscriminately, thereafter Pankaj fired at his wife.

Learned counsel for the petitioners submits that petitioners have antecedent of one case and have been falsely implicated in the present case, it is next submitted that when occurrence as alleged is of such magnitude it is not possible to remember with certainty that who assaulted whom, it is further submitted that as far as petitioner no. 1 is concerned, he is alleged to have given orders and thereafter he fired indiscriminately but then no one was injured in the firing which amply demonstrates that the allegation of firing was ornamental and was made only for to give a serious color to the case, it is further submitted that as far as petitioner no. 2 is concerned, the allegation against him are general and omnibus in nature. Learned counsel next submits that Satrudhan Yadav and Ankaj Kumar have been granted anticipatory bail by Order Dated 04.11.2022 in Cr. Misc. No. 39124 of 2022.

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, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Suryagraha P.S. Case No. 23 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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