

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39124 of 2022

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

1. KRISHNANDAN YADAV S/o- Lachu Yadav Resident of Village - Khemtarni Asthan, P.O. and P.S.- Suryagarha, District - Lakhisarai.
2. Satrudhan yadav S/o- Lachhu yadav Resident of Village - Khemtarni Asthan, P.O. and P.S.- Suryagarha, District - Lakhisarai.
3. Bahadur yadav @ Ram Bahadur Yadav S/o- Jhari Yadav Resident of Village - Khemtarni Asthan, P.O. and P.S.- Suryagarha, District - Lakhisarai.
4. Ankaj Kumar S/o- Krishna Nandan Yadav Resident of Village - Khemtarni Asthan, P.O. and P.S.- Suryagarha, District - Lakhisarai.
5. Ritik Kumar S/o- Krishna Nandan yadav Resident of Village - Khemtarni Asthan, P.O. and 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.
	:	Mr. Mayank Bilochan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner no. 1, 3 and 5.

Permission is accorded.

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, it is also alleged that this petitioner also assaulted Bahadur causing injury on head.

Learned counsel for the petitioner no. 2 and 4 are persons with clean antecedent 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. 2 is concerned against him there is no specific allegation of assault but against petitioner no. 4



allegation is of assaulting Bahadur who was also assaulted by Nikhil and he suffered injury on hand, thus it is submitted that it is not possible to allege with certainty that petitioner no. 4 Bahadur assaulted leading to the injury when injury on hand is only one. Learned counsel next submits that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then petitioner admittedly are not criminals and the injury suffered is on non-vital part of the body which further demonstrates that there was no intention to commit a serious offence by the petitioner no. 4.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner no. 2 and 4 and submits that in the impugned order it has been wrongly recorded that Nikhil assaulted Bahadur when in the FIR it is alleged that it was Ankaj who assaulted Bahadur causing injury on his hand but then the learned counsel for the informant is not able to rebut the submission of the learned counsel for the petitioners that petitioners are not criminals and the allegation of assault is on non-vital part of their body though the injury till date has been reserved.

Considering the submissions made by the learned counsel for the petitioner no. 2 and 4, the petitioners Satrudhan



yadav and Ankaj Kumar, 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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