

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43116 of 2022

Arising Out of PS. Case No.-298 Year-2019 Thana- CHHATAPUR District- Supaul

1. Bhogendra Yadav @ Bhogi Yadav Son Of Lachho Yadav R/O Village- Kathara, P.S.- Chhatapur, District- Supaul
2. Devan Yadav @ Devnandan Yadav Son Of Kunjilal Yadav R/O Village- Kathara, P.S.- Chhatapur, District- Supaul
3. Lalita Devi @ Naini Devi Wife Of Laxman Mehta R/O Village- Kathara, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that when his father was returning after making collections from traders, he was waylaid by the petitioners and other accused persons who were armed variously, it is next



alleged that they attacked his father and when the family members went there for rescue, co-accused Bhikendra Yadav assaulted his father with *dabiya* on his head, Lakshman Mehta assaulted his father with an iron rod causing injury on head and Chandeswari Yadav assaulted the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that police after investigation submitted Final Form No. 122 of 2020 in favour of the petitioners and thereafter the learned trial court differing with the police report took cognizance of the offence, it is next submitted that an investigating agency after carrying threadbare investigation found the petitioners to be innocent as no material transpired during the course of investigation to even remotely connect them with the offence and if the petitioners are sent to jail based on the same material on which the cognizance came to be taken, then the same would amount to travesty of justice.

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 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 Chhatapur P.S. Case No. 298 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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