

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60596 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- AMARPUR District- Banka

1. SISTAM KUMAR YADAV @ SISTAM KUMAR Son of Mithilesh Yadav @ Mithlesh Yadav Resident of Village - Sadpur, P.S.- Amarpur, Distt.- Banka.
2. Rupesh Kumar Yadav Son of Mithilesh Yadav @ Mithlesh Yadav Resident of Village - Sadpur, P.S.- Amarpur, Distt.- Banka.
3. Rahul Yadav @ Rahul Kumar Son of Mithilesh Yadav @ Mithlesh Yadav Resident of Village - Sadpur, P.S.- Amarpur, Distt.- Banka.
4. Mithilesh Yadav @ Mithlesh Yadav Son of Late Suchit Yadav Resident of Village - Sadpur, P.S.- Amarpur, Distt.- Banka.
5. Aman Kumar Singh @ Aman Kumar Son of Late Kishori Singh @ late Kishori Pd. Singh Resident of Village - Singpur, P.S.- Amarpur, Distt.- Banka.
6. Bibhash Yadav @ Bibhash Kumar Son of Sunil Yadav Resident of Village - Barshabad, P.S.- Shambhuganj, Distt.- Banka.
7. Sagar Kumar Son of Chunchun Singh Resident of Village - Birnia, P.S.- Dhoriya, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-07-2022 Heard the parties.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.3, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.3 is



dismissed as withdrawn.

Now, the present application is being heard on the prayer of grant of anticipatory bail with regard to rest of the petitioners.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioners apprehend their arrest in a case registered for the offence u/s 147, 149, 341, 323, 324, 307, 379 of the IPC.

The allegation against the petitioners is that they on the gun point have committed theft of Rs.26,000/- and other articles from the shop of the informant and when the informant was going to lodge complaint, these petitioners obstructed and brutally assaulted him with lathi, iron rod and knife.

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 due to dirty village politics. 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 a case and counter-case between the parties and in the alleged occurrence, both sides have sustained injuries and the injuries are simple in



nature. Petitioners have several criminal antecedents, as mentioned in para-3 of the application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific overt act against the petitioner no.1 and the injury caused by him has been found to be grievous in nature.

Considering the aforesaid facts, since there is specific overt act against the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for anticipatory bail on behalf of the petitioner no.1 is accordingly rejected.

However, since there is general and omnibus allegation against the petitioner nos.2, 4, 5, 6 and 7 named above, let them 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 Amarpur P.S. Case No.76 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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