

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11463 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- DURAULI District- Siwan

1. DHARMENDRA KUMAR YADAV @ DHARMENDRA YADAV S/O HANSHNATH YADAV R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.
2. VIJAY YADAV S/O SWAMINATH YADAV R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.
3. RAKESH KUMAR YADAV @ RAKESH YADAV S/O MANAN YADAV R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.
4. DINESH YADAV S/O RAJNATH YADAV VILLAGE R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.
5. RAJU YADAV S/O SWAMINATH YADAV R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.
6. RAJESH YADAV S/O RAJNATH YADAV R/O VILLAGE BADHEYA PUNAK, P.S. DARAULI, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-02-2022 Heard Mr. Prabhakar Singh, learned Advocate
for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Darauli P.S. Case No. 191 of 2020 dated 21.08.2020 instituted for the offences under Sections 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

By order dated 21.12.2021, the petitioners were granted provisional bail and the case diary was



called for.

On the submissions advanced on behalf of the petitioners, it was noted in the order dated 21.12.2021 that petitioners no. 1 and 2 have assaulted the informant on his head by means of farsa, whereas petitioners no. 3 and 5 have assaulted the nephew of the informant, who too has received injuries on his head.

There is no specific accusation against petitioners no. 4 and 6.

The learned counsel for the petitioners on that occasion had drawn the attention of this Court to the part of the impugned order which took note of the fact that there had been dispute between the parties from before and in the occurrence, many accused persons also were injured.

However, it appears from the case diary that during the course of investigation, the informant died and the post-mortem report reveals that the death was because of intra-cranial hemorrhage which is referable to the assault alleged in the FIR.

Considering the aforementioned facts, the petitioners no. 1, 2, 3 and 5 who are said to have assaulted the informant (deceased) and his nephew respectively are not entitled for grant of anticipatory bail.



The interim order granted in favour of petitioners no. 1, 2, 3 and 5 is hereby recalled.

Their application for anticipatory bail is rejected.

Should they surrender before the court below and seek bail, their application shall be considered on its own merits without being prejudiced by the fact that the present petition on their behalf has finally not been entertained.

So far petitioners no. 4 and 6 are concerned, there is no accusation against them in the FIR or in the investigation papers.

Considering this aspect of the matter, the interim order in favour of petitioners no. 4 and 6 viz. Dinesh Yadav and Rajesh Yadav is, hereby, confirmed.

The petitioners no. 4 and 6 shall remain on the same bail bonds.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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