

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4688 of 2023

Arising Out of PS. Case No.-163 Year-2020 Thana- SURYAGARHA District- Lakhisarai

1. RANJAY YADAV Son of Charitar Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
2. NITISH KUMAR Son of Shankar Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
3. RAJESH YADAV Son of Shankar Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
4. VIJO YADAV @ VIJAY YADAV Son of Charitar Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
5. MITHLESH KUMAR Son of Late Krishna Yadav @ Late Kishan Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
6. PANKAJ YADAV Son of Late Krishna Yadav @ Late Kishan Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
7. AJJI YADAV @ AJAY YADAV Son of Charitar Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
8. PAVAN YADAV Son of Bachandev Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
9. DHARO YADAV @ DHARMENDRA YADAV Son of Bachandev Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai
10. BACHANDEV YADAV Son of Jivlal Yadav R/v- Nista, P.S.- Suryagarha, District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-04-2023 At the outset, learned counsel for the petitioners submits that during pendency of this bail application, petitioner no. 1 namely Ranjay Yadav, petitioner no. 8 namely Pavan



Yadav have been arrested and as such, he seeks permission to withdraw this anticipatory bail petition, so far as petitioners no. 1 and 8 are concerned.

Accordingly, in respect of petitioners no. 1 and 8, this anticipatory bail petition is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners (i.e. petitioners no. 2, 3, 4, 5, 6, 7, 9 and 10) apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 323, 341, 307, 385, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on 16.08.2020 at 8:00 PM, while the informant was returning to his house from his bathan and reached near Shiv Temple, the F.I.R. named accused persons including these petitioners and 10-15 unknown came variously armed and surrounded the informant and thereafter, co-accused Sunny gave orders to kill by pointing gun at the informant, thereafter, petitioner no.1 Nitish Kumar is alleged to have assaulted with *lathi* on his head and when his family members intervened, the accused persons also assaulted them with bricks, stones and even fired. It is next alleged that reasons for the occurrence is that accused persons had



demanded Rs. 5,00,000/-, as extortion, from the informant, while he was constructing his house on his land.

It is submitted on behalf of petitioners that petitioners are co-villagers and there is general and omnibus allegation of assault against them. There is case and counter case and both sides sustained injury. Similarly situated co-accused persons have already been granted anticipatory bail by a coordinate Bench, vide order dated 06.12.2022 passed in Cr.Misc. No. 39037 of 2022. Petitioners claim clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the fact that there is case and counter case and both sides sustained injury coupled with the fact that petitioners have got clean antecedent, let the above named petitioners no. 2, 3, 4, 5, 6, 7, 9 and 10, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai in connection with Suryagarha P.S. Case No. 163 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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