

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9730 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- HARSIDHI District- East Champaran

1. Keshu Yadav @ Keshwar Yadav Son Of Late Bishun Yadav Resident Of Village- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, District- East Champaran
2. Usha Devi Wife Of Nand Kishore Yadav Resident Of Village- Ramnagar, P.O.- Gay Ghat, P.S.- Harsidhi, District- East Champaran
3. Babita Devi Wife Of Umesh Yadav Resident Of Village- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, District- East Champaran
4. Ramesh Yadav Son Of Keshwar Yadav Resident Of Village- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 1 submitting that during pendency of this application the petitioner has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to petitioner no.1 is dismissed as withdrawn.

Now this application is being heard with regard to petitioners no. 2, 3 and 4 only.



Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 354(A), 302, 379 and 504 of the Indian Penal Code.

As per the prosecution case, the petitioners and other accused persons forming an unlawful assembly and holding weapons in their hands were constructing house in the land of the informant. On protest, they have assaulted the informant and her family members.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is case and counter case between the parties. He submits that the petitioners are only the member of mob. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.



Considering the facts and circumstances of the case and the fact that there is no specific overt against the petitioners, let the above named petitioners no. 2, 3, and 4, 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 Harsidhi P.S. Case No. 387 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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