

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14775 of 2023

Arising Out of PS. Case No.-347 Year-2022 Thana- MAJHAULIA District- West Champaran

1. HIMANCHAL YADAV @ HIMANCHAL KUMAR Son of Vishwanath Yadav Resident of Village - Bhuarwa Baurathpur No.- 1, Police Station - Majhauriya, District - West Champaran
2. Udho Yadav Son of Paras Ray Resident of Village - Bhuarwa Baurathpur No.- 1, Police Station - Majhauriya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioner no. 2 to enable him to surrender before the learned court below within a period of six weeks from today and apply for regular bail, considering the fact that final form was submitted *qua* him by the police, however, seeks a direction upon the learned trial court to consider and dispose off the regular bail petition, to be filed by the petitioner no. 2, on the very same day. It is directed accordingly.

Accordingly, the present petition *qua* petitioner no. 2 stands disposed off as not pressed.

This is an application for grant of anticipatory bail in



connection with Majhauriya PS case no. 347 of 2022, registered for the offences punishable under Section 384 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that the accused persons including the petitioners herein used to demand extortion money from the informant and had threatened that in case the same was not paid, they would grab his land, whereafter on the alleged date and time of occurrence, when the informant was sitting at the door of his house, the accused persons had arrived there and assaulted the informant, resulting in him sustaining grievous injuries.

The learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is innocent, he has been falsely implicated in the present case and is having clean antecedent. It is further submitted that as far as petitioner no. 1 is concerned, he has not been alleged to have engaged in any sort of specific overt act *qua* the informant, hence he be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that petitioner no. 1 is not stated to have engaged in any sort of specific overt act *qua* the informant apart from the fact that he is having a clean antecedent, I deem it fit and appropriate to admit petitioner no. 1 to the privilege of anticipatory bail.

Accordingly, petitioner no. 1, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauiliya PS case no. 347 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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