

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13376 of 2023

Arising Out of PS. Case No.-240 Year-2019 Thana- FATEHPUR District- Gaya

1. Ramashish Yadav @ Ashish Yadav

2. Birendra Yadav

Both S/O Kuldip Yadav

3. Dilip Yadav S/O Puna Yadav

4. Rajesh Yadav S/O Sukhdev Yadav

All Are R/V- Mochrak, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

For the informant : Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Learned counsel for the petitioners at the outset submits that during the pendency of the petition the petitioner no.1, namely, Ramashish Yadav @ Ashish Yadav has been arrested and as such his case has become infructuous.

Accordingly, the application as against petitioner no.1, Ramashish Yadav @ Ashish Yadav is dismissed as infructuous.

Heard learned counsel for the petitioners, the State and learned counsel for the informant.

The petitioners apprehend their arrest in connection



with Fatehpur P.S. Case No.240 of 2019 instituted under Sections 341, 323, 324, 325, 354, 379, 504/34 of the Indian Penal Code lodged on 28.10.2019 by the informant Vidya Devi.

As per the prosecution story, while the informant was engaged in cleaning the street in the meanwhile, four named accused persons including the petitioners herein armed variously came and abused her. When the informant objected they assaulted her by means of 'lathi', caught her hair and pushed her in the ground.

Thereafter as her 'Gotni' came to save her, then specific allegation is that one of the co-accused torn the blouse of Renu Devi. Further allegation is of snatching golden chain from Renu Devi and assault her old mother-in-law as also her nephew. Accordingly, the FIR.

By way of supplementary affidavit it has also been brought on record that the petitioners have additional criminal antecedent which was left out and has been filed after learned counsel for the informant pointed it out.

Learned counsel for the petitioners is cautioned to be careful in future while incorporating criminal antecedents.

So far as the allegation part is conceded, learned counsel for the petitioners submit that simple scuffle has led into



the allegation made against the petitioners herein and further although there is allegation of assault by *lathi*, no such injury report is on record.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs.10,000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking her credentials.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the injuries are simple in nature, they will be cooperating with the police in the investigation and will have to ultimately face the trial, this court is inclined to extend them privilege of anticipatory bail, subject to payment of Rs.10,000/- as undertaken.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Fatehpur P.S. Case No.240 of 2019 to the satisfaction of learned A.C.J.M., Xth, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
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