

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12510 of 2023

Arising Out of PS. Case No.-276 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. PRAKASH YADAV @ PRAKASH KUMAR YADAV S/O Bijan Yadav R/O Village- Tatrahi, P.S- Jankinagar, District- Purnea
2. Mithan Yadav @ Mithun Yadav @ Mithun Kumar S/O Surendra Prasad Yadav R/O Village- Tatrahi, P.S- Jankinagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506, 427 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the petitioners alongwith other co-accused persons formed an unlawful assembly and assaulted the the informant side by means of several weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The specific allegation is against co-accused Mithun Yadav and Pintu Yadav. There is no specific overt act against the petitioner no.1 and the allegation against the petitioner no.2 is to assault the informant on his leg but the injury was found simple in nature. He further submits that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2022 passed in Cr. Misc. No.53765 of 2021. Petitioner no.1 has six criminal antecedent and petitioner no.2 has one criminal antecedent, which is also mentioned in paragraph-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as similarly situated co-accused persons have been granted bail and there is no specific overt act against the petitioners, let the above named petitioners, 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 Barhara P.S. Case No.276 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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