

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19945 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. Deepak Kumar @ Rajesh @ Deepak Yadav Son Of Bilash Yadav @ Vilas Yadav Resident Of Village Manoharpur, Ps Madhusudanpur, Nathnagar, District- Bhagalpur
2. Vikko Yadav @ Vikash Yadav @ Vikash Kumar Son Of Bilash Yadav @ Vilas Yadav Resident Of Village- Manoharpur, Ps- Madhusudanpur, Nathnagar, District- Bhagalpur
3. Bilash Yadav @ Vilas Yadav Son Of Chhabu Yadav Resident Of Village- Manoharpur, Ps- Madhusudanpur, Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.
Mr. Pankaj Kumar, Adv.
For the Opposite Party/s : Mr. M .K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Kamlesh Kumar Pathak, learned counsel appearing on behalf of the petitioners and Mr. M. K. Nirala, learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Nathnagar (Madhusudanpur) P.S. Case No. 408 of 2022, registered for the punishable under Sections 342, 325, 308, 385, 504 and 506 of the Indian Penal Code.

It is alleged that while the informant was at his home in the meantime all the FIR named accused persons, including the petitioners, came there and started demanding a ransom of



Rs. 50,000/-. On protest being made, accused Deepak Kumar @ Rajesh @ Deepak Yadav and Bilas Yadav @ Vilas Yadav caught the informant and accused Vikko Yadav @ Vikash Yadav @ Vikash Kumar assaulted him with iron rod and thereafter accused Deepak Kumar @ Rajesh @ Deepak Yadav and others have also assaulted him with rod and *lathi*.

Learned counsel appearing on behalf of the petitioners submitted that from the FIR it is evident that all the offences are bailable except Section 308 of the Indian Penal Code. He submits that the occurrence took place on 04.06.2022 however, *fardbeyan* has been recorded on 07.06.2022, after a delay of 3 days and no plausible explanation has been assigned. He further submits that from the impugned order rejecting the prayer for anticipatory bail of the petitioner, it appears that the learned Court has taken note of the injury report of the injured informant, however, it has not been mentioned with regard to the nature of injury, though the injuries sustained by the informant are said to be simple in nature. He next submits that both the parties are their own *gotias* and next door neighbour and on account of some trivial issues a free-fight has taken place resulting into injuries. He further submits that the petitioners are not habitual offender carrying fair antecedent and they



undertake that they will fully cooperate in the investigation and will not indulge in tampering with the evidence or intimidating the witnesses.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the nature of injury, coupled with the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 408 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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