

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24291 of 2023

Arising Out of PS. Case No.-175 Year-2018 Thana- NAUHATTA District- Saharsa

1. SANTOSH YADAV @ SANTOSH KUMAR YADAV SON OF BAIDYANATH YADAV RESIDENT OF VILLAGE - MOHAMMADPUR, P.S. - NAWHATTA, DISTT. - SAHARSA
2. SUNIL YADAV @ SUNIL KUMAR YADAV @ SUNIL KUMAR SON OF BAIDYANATH YADAV RESIDENT OF VILLAGE - MOHAMMADPUR, P.S. - NAWHATTA, DISTT. - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 325, 308, 379, 354 and 506 of the Indian Penal Code.

3. The informant alleges that Baijnath Yadav used to tease his differently abled son, on protest it is alleged that accused persons including the petitioners came and assaulted his son causing fracture of hand, further petitioner no. 1 assaulted informant by sword on head and Sunil assaulted by farsa but he managed to save himself. It is next alleged that accused persons



even tried to make his wife naked and also snatched chain and watch of his son.

4. The learned counsel for the petitioners submits that petitioners have antecedent of one case and have been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that though there is allegation against petitioner nos. 1 and 2 of assaulting the informant by farsa and sword but then no injury was caused to him. It is further submitted that petitioners were granted the benefit of Section 41(1) of the Cr.P.C. and they have not misused the privilege. It is next submitted that this Court after examining the provision of law and the earlier judgment had come to a considered conclusion that an anticipatory bail is maintainable in the event if the privilege of Section 41(1) of the Cr.P.C. is granted to the accused persons in the case of ***Gauri Shankar Roy vs. State of Bihar Reported in 2015 (3) PLJR 618.***

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nauhatta P.S. Case No. 175 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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