

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24903 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- DHANSOI District- Buxar

Sarvjeet Kumar @ Sarvjeet Yadav Son of Sri Upendra Singh R/o Village -
Panapur, P.O.- Sujayapur, P.S.- Dhansoi, District of Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is apprehending his arrest in connection with Dhansoi PS Case No. 136 of 2022 registered for the offence punishable under Sections 353,147,149, 323, 332, 341, 379, 504 and 506 of the Indian Penal Code.

The informant is *Gramin Awas Sahayak*. It is alleged that while he was doing survey for the purse of geotagging of beneficiaries under the *Awash yojana*, co-accused persons have started abusing him and destroyed the register, snatched his eye card, gold chain and cash from his pocket. Upon instigation of co-accused, petitioner along with his brothers and 5-6 other persons, thereafter, have invariable assaulted the informant.

Referring to the injury report (Annexure-3) it is



submitted that doctor has found no external injury on the body. He further submits that the implication of the petitioner along with others is based on extraneous consideration as they did not fulfill the illegitimate demand of the informant for the purposes of availing the benefit under the *Awash yojana* and therefore, they all have been implicated in this case falsely which is evident from the fact that one of the petitioner's brother, who has been made an accused, had recently undergone orthopedic surgery and considering this fact the case has been found not true against him in the course of investigation. In fact, one of the accused has also lodged a case against the instant petitioner being Dhansoi PS Case No. 137 of 2022. The petitioner has one antecedent of the year 2016 that also for minor allegation.

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

Considering the rival submissions, the injury report, false implication of the petitioner's brother found during course of investigation and the counter case, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. V, Buxar, in connection with Dhansoi PS Case No. 136 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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