

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28389 of 2023

Arising Out of PS. Case No.-186 Year-2012 Thana- KONCH District- Gaya

1. Sarju Yadav @ Sarju Prasad Singh @ Saryu Yadav @ Saryu Prasad Singh S/O Late Shivtahal Yadav, Resident of Village- Rupaspur, P.S.- Konch, District- Gaya.
2. Santu Yadav @ Santu Kumar @ Suman Kumar S/O Arjun Yadav, Resident Of Village- Rupaspur, P.S.- Konch, District- Gaya.
3. Uday Yadav @ Uday Kumar S/O Late Ramvilash Yadav, Resident of Village- Rupaspur, P.S.- Konch, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manisha Prakash, Advocate
For the Opposite Party : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Konch P.S. Case No. 186/2012 registered for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code. They have one criminal antecedent as stated in paragraph ‘3’ of the application.

3. As per the prosecution story, the informant has alleged that on 28.09.2012 at about 7:00 P.M. when he reached at Konch More the accused persons namely Ranjit Yadav and Binod Yadav surrounded him and started abusing and assaulting him with fists and slaps, thereafter he informed his family



members, in the meantime, when his nephew came to save him the accused persons armed with lathi-danda started assaulting his nephew as a result of which he sustained head injury.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the case is of the year 2012 and a joint compromise petition has been filed in the court below.

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

6. Having regard to the facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioners for the reason that they have not submitted themselves to the jurisdiction of the court within a reasonable period even though they were named in the F.I.R. and were well aware of the fact. It took them about 10 years in filing of the anticipatory bail application, this Court is not inclined to entertain it for the reason that such liberty may set a bad precedent.

The anticipatory bail of the petitioners is, thus, refused.

This Court, however, finds that the learned Sessions Judge, Gaya, while rejecting the prayer for anticipatory bail, has



given certain observations granting liberty to the petitioners to surrender in the court below and pray for regular bail. The observations of the learned Sessions Judge, Gaya are reasonable.

In case, the petitioners surrender and pray for regular bail within a period of three weeks from today, their prayer for regular bail shall be considered on their own merit keeping in view the compromise etc. as have been pleaded on behalf of the petitioners.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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