

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33273 of 2023

Arising Out of PS. Case No.-331 Year-2022 Thana- DIDARGANJ District- Patna

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1. RAJ BALLABH YADAV @ RAJ BALAM SINGH Son of Late Sukhdeo Yadav Resident of village-Hiranandpur, P.S.-Didarganj, District-Patna
 2. DHIRAJ KUMAR Son of Ashok Singh Resident of village-Hiranandpur, P.S.-Didarganj, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Adv.
For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-07-2023 Heard Mr. Bhola Kumar, learned counsel appearing on behalf of the petitioner no.2 and Mr. Ajit Kumar, learned A.P.P. for the State.

2. Learned counsel appearing on behalf of the petitioners informs this Court that petitioner no.1 namely Raj Ballabh Yadav @ Raj Balam Singh has been arrested during the pendency of the bail application and his bail application has become infructuous.

3. The anticipatory bail application of petitioner no.1 namely Raj Ballabh Yadav @ Raj Balam Singh is dismissed as having become infructuous.

4. The petitioner no. 2 apprehend his arrest in



connection with Didarganj P.S. Case No. 331 of 2022, dated 25.11.2022, registered under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

5. The prosecution case, in brief, is that as per allegation made in the F.I.R. the informant had gone to his field to see his crop, in the meantime, 12 accused persons named in the F.I.R. assaulted him including the petitioner no. 2. Specific allegation of having firing is against co-accused Gajendra Kumar.

6. Learned counsel appearing on behalf of the petitioner submits that so far as petitioner no. 2 is concerned, there is general and omnibus allegation against him that he had assaulted the informant by means of lathi and no injury has been found on the body of the informant.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the above named petitioner no. 2.

8. Having perused the allegation made in the F.I.R. as well as the fact that only allegation is made against petitioner no. 2 is that he has assaulted the informant by means of lathi on his leg, but no injury has been found on the leg of the informant, let the above named petitioner no. 2, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Mr. Somya Shekhar, J.M., Ist Class, Patna City in connection with Didarganj P.S. Case No. 331 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner no. 2 and if it is found that the petitioner no. 2 is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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