

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31000 of 2023

Arising Out of PS. Case No.-134 Year-2020 Thana- KAKO District- Jehanabad

1. SANJEET YADAV son of Late Rameshwar Yadav Village- Khapura Ps- Kako Dist- Jehanabad
2. Ranjeet Yadav son of Rameshwar Yadav Village- Khapura Ps- Kako Dist- Jehanabad
3. Subodh Yadav son of Late Rameshwar Yadav Village- Khapura Ps- Kako Dist- Jehanabad
4. Ram Babu Kumar son of Ranjeet Yadav Village- Khapura Ps- Kako Dist- Jehanabad
5. Vinda Devi wife of Ranjeet Yadav Village- Khapura Ps- Kako Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2023 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 341, 323, 337, 338, 325, 354, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, petitioner no.5 is a woman and the informant alleges that accused persons came and Sandeep assaulted his son by rod causing injury on head,



thereafter accused also assaulted his daughter causing injury on left leg and hand, thereafter Ranjit snatched gold chain of his daughter.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that there is no specific allegation of assault against petitioner nos. 3, 4 and 5 and petitioner no.2 has been roped with an ornamental allegation of snatching ornament, though petitioner no.1 is alleged to have assaulted his son by *lathi* but then the petitioners were granted the privilege of police bail. It is further submitted that after investigation charge-sheet came to be submitted under Section 354 of the IPC.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that since petitioners were on police bail as such the present anticipatory bail application is not maintainable.

6. Learned counsel for the petitioners rebuts the submission of the learned A.P.P. for the State and relies on a judgment of this Court reported in **2015 (3) PLJR 618 (Gauri Shankar Roy Vs. The State of Bihar)** wherein this Court after



examining the provisions of law and the earlier judgments had come to a considered conclusion that an anticipatory bail application is maintainable in the event if privilege of Section 41(1) of the Cr.P.C. is granted to the accused persons.

7. 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 Court below 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 court below where the case is pending/successor court in connection with Kako P.S. Case No. 134 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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