

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33350 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Pravesh Kumar Yadav @ Ram Pravesh Kumar @ Pravesh Kumar S/O- Satendra Prasad Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
2. Munna Kumar Yadav @ Munna Kumar son of Satyendra Prasad Yadav @ Satyendra Prasad Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
3. Sunil Kumar Yadav @ Sunil Kumar son of Satyendra Prasad Yadav @ Satyendra Prasad Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
4. Biru Kumar Yadav @ Birendra Kumar son of Satyendra Prasad Yadav @ Satyendra Prasad Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
5. Anil Prasad Yadav @ Anil Prasad son of Late Jhapashi Yadav Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
6. Sujit Prasad Yadav @ Sujit Kumar son of Anil Prasad Yadav Village- Shekhpura PS- Neemchak Bathani Dist- Gaya
7. Nitish Kumar son of Anil Prasad Yadav Village- Shekhpura PS- Neemchak Bathani Dist- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jogendra Prasad, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 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 Neemchak Bathani P.S. Case No. 127 of 2022 registered for the offences under Sections 147, 149, 341, 323, 308, 379, 504, 506 of the Indian Penal Code. The petitioner nos. 1, 5, 6 and 7 have no criminal antecedent whereas petitioner nos. 2, 3 and 4 have one criminal antecedent.

3. As per the prosecution story, on 26.07.2022 at about



06:30 A.M. the FIR named accused persons armed with iron rod and gadasa attacked on the informant with an intention to kill him. One Punna Kumar Yadav assaulted the informant with his iron rod which resulted in head injury. One Anil Yadav (petitioner no. 5) snatched his gold locket. It is alleged that the occurrence has taken place due to a land dispute between the parties.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that there is land dispute between the parties due to which the said occurrence has taken place.

5. Learned counsel submits that there is no specific allegations against these petitioners and they are said to be the member of the mob only.

6. Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the submission that the specific allegation of causing assault is against co-accused Punna Kumar Yadav, so far as these petitioners are concerned, they are said to be the member of the mob but no specific allegation of assault has been made against these petitioners and in the impugned order, the learned Additional Sessions Judge-XV, Gaya has referred only one injury which has been attributed to the co-



accused, the petitioner nos. 1, 5, 6 and 7 have otherwise no criminal antecedent whereas petitioner nos. 2, 3 and 4 have only one criminal antecedent, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with Neemchak Bathani P.S. Case No. 127 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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