

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33373 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- NAUTAN District- West Champaran

1. Rahul Yadav, Son of Late Rajdeo Yadav, Resident of village - Dakshin Telhuwa Barahm Tola Ward no. 01, P.S. - Nautan, Distt. - West Champaran
2. Ramchhatri Yadav @ Ramchhantri Yadav Son of Thakur Yadav Resident of village - Dakshin Telhuwa Barahm Tola Ward no. 01, P.S. - Nautan, Distt. - West Champaran
3. Ajay Yadav Son of Baidhnath Yadav @ Baijnath Yadav Resident of village - Dakshin Telhuwa Barahm Tola Ward no. 01, P.S. - Nautan, Distt. - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, 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 Nautan P.S. Case No. 304 of 2022 registered for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 03.06.2022 at about 06:20 A.M. all the FIR named accused persons armed with various weapons came at the door of the informant's brother and started abusing him. When he made protest then Shivnath Yadav assaulted him with iron rod on his leg. When



the wife of the informant came to rescue her, she was assaulted by one Rahul Yadav. It is further alleged that when the son of the informant, namely, Bachcha Yadav came to rescue them, one Krishna Yadav on the order of Ramnath Yadav assaulted him with farsa on his head due to which he died in course of treatment.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that the specific allegation of causing assault on the son of the informant is against co-accused Krishna Yadav. So far as these petitioners are concerned, there is no specific allegation against petitioner nos. 2 and 3. The injury caused by the petitioner no. 1 is said to be simple in nature.

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

6. Having regard to the facts and circumstances of the case that the specific allegation of causing assault on the son of the informant who died in occurrence is against co-accused Krishna Yadav, so far as these three petitioners are concerned, there is no specific allegation against petitioner nos. 2 and 3 and the petitioner no. 1 is said to have caused one injury upon the wife of the brother of the informant, namely, Madan Yadav



which is said to be simple in nature, the petitioners have otherwise no criminal antecedent, therefore, 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 Nautan P.S. Case No. 304 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 Sub-Divisional Judicial Magistrate, Bettiah, District- West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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