

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34449 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- THARTHARI District- Nalanda

1. Mantu Kumar @ Mantu Yadav S/O- Sanjay Yadav Village- Atbal Chak Ps- Tharthari Dist- Nalanda
2. Santu Kumar @ Santu Yadav son of Sanjay Yadav Village- Atbal Chak Ps- Tharthari Dist- Nalanda
3. Manish Yadav son of Ram Murti Yadav Village- Atbal Chak Ps- Tharthari Dist- Nalanda
4. Sudhir Yadav son of Ram Murti Yadav Village- Atbal Chak Ps- Tharthari Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2023 Heard Mr. Rajeev Kumar, learned counsel appearing on behalf of the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Tharthari P.S. Case No. 226 of 2022, registered for the offences punishable under Sections 341, 307, 353, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that on 06.11.2022 the persons of two sides, who were inimical to each other, indulged in *marpeet*. On information, when the police personnel reached there, all the



accused persons started abusing and when they tried to apprehend them, they fled away.

4. Learned counsel appearing on behalf of the petitioners submits that even as per the FIR it is evident that no specific allegation has been levelled against the petitioners, however only on account of past criminal antecedent of the petitioners, their names have been implicated in this case and save and except their antecedent, there is no material. He next submitted that even as per the allegation, no case under Sections 307 and 353 of the IPC is made out. He lastly submits that the petitioners are ready to give undertaking that they will fully cooperate in the investigation and will not indulge in such crime in future.

5. On the other hand, learned counsel for the State opposed the bail application and submits that all the petitioners obstructed the police personnels in discharging their official duties, apart from the fact that they are carrying criminal antecedent.

6. Having considered the submissions made on behalf of the parties and considering the omnibus nature of allegation, and the fact that none has sustained any injury, let the petitioners abovenamed be released on bail, in the event of their arrest or



surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa, Nalanda in connection with Tharthari P.S. Case No. 226 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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