

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35823 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- TEKARI District- Gaya

1. MANOJ YADAV @ MANOJ KUMAR Son of Subedar Yadav Resident of Village - Gulzarbagh, P.S.- Tekari, District - Gaya.
2. Manish Yadav @ Manish Kumar Son of Rajesh Yadav @ Rakesh Yadav Resident of Village - Gulzarbagh, P.S.- Tekari, District - Gaya.
3. Anish Yadav @ Anish Kumar @ Akash Kumar Son of Rajesh Yadav @ Rakesh Yadav Resident of Village - Gulzarbagh, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alamdar Hussian, Senior Advocate Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Dharendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-01-2023 Heard Mr. Alamdar Hussian learned Senior Counsel

for the petitioners, Mr. Dharendra Kumar Sinha, learned counsel

for the informant and Mr. Jitendra Kumar Singh, learned APP

for the State.

Pursuant to the last order, a counter affidavit has been

filed.

The petitioners apprehend their arrest in connection

with Tekari P.S. Case No. 02 of 2022 for the offence registered

under Sections 147, 148, 149, 341, 323, 307, 379 and 354 of the

Indian Penal Code.

As per the prosecution story, the allegation is that the

accused persons including the petitioners herein assaulted the



family members of the informant including the ladies and so far as the present case is concerned, the allegation against the petitioner no. 1, Manoj Yadav @ Manoj Kumar is that he assaulted the informant with '*iron rod*' causing injury on his head and leg which also resulted into fracture in his leg. So far as other petitioners are concerned (petitioner nos. 2 &3), allegation is that they assaulted Parwati Devi on her head causing head injury which according to the informant, was grievous in nature.

Learned counsel for the petitioners submit that a bare perusal of the FIR would show that although the role of assault has been attributed to petitioner nos. 2&3, namely, Manish Yadav @ Manish Kumar & Anish Yadav @ Anish Kumar @ Akash Kumar that they assaulted Parwati Devi on her head causing injury, no weapon has been shown in their hand which shows the exaggerated allegations. He next submits that in that backdrop, it is important to note that one of the accused, namely, Rajesh Yadav has also been made accused but documents (Annexure-3) clearly show that he was posted and working on that day away from the place of occurrence in 101 Battalion RAF/CRPF.

It is his further submission that the aforesaid two



petitioners i.e. petitioner nos. 2 & 3 are young boys of 19 & 21 years of age persuading studies/appearing for competitive examination and only to ruin their future, they have been implicated in this case. The last submission is that they do not have criminal antecedent.

Taking into account the kind of allegation against the petitioner no.1, Manoj Yadav @ Manoj Kumar of having assaulted the informant on his head and leg causing injuries, this Court is not inclined to grant him anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no. 1 stands rejected.

So far as petitioner nos. 2 &3, namely, Manish Yadav @ Manish Kumar and Anish Yadav @ Anish Kumar @ Akash Kumar respectively are concerned, in view of the fact that the weapon part is missing in the FIR, they are young students, do not have criminal antecedent, would be available to the police in course of investigation and would further diligently appearing in trial, this Court is inclined to grant them relief of anticipatory bail.

Let the petitioner nos. 2 &3, namely, Manish Yadav @ Manish Kumar and Anish Yadav @ Anish Kumar @ Akash Kumar in the event of arrest or surrender within a period of



four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Tekari P.S. Case No. 02 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

Nothing recorded in the present order shall be taken into consideration at the time of trial as the same has been observed only for the purpose of grant of anticipatory bail to the petitioner nos. 1 & 2.

(Rajiv Roy, J)

Jagdish/Neha-

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