

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41090 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- SURYAGARHA District- Lakhisarai

1. Nitish Kumar @ Nitish Kumar Yadav S/O Late Subodh Yadav R/O Village- Nawabganj, PS. Surajgarha, Dist. Lakhisarai
2. Rajesh Yadav S/O Late Bahadur Yadav R/O Village- Nawabganj, PS. Surajgarha, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 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 323/ 324/ 307/ 147/ 148/ 149/ 342/ 379/ 504/ 506 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against 20 named accused persons with allegation that all accused persons armed with *bhala*, *pharsa*, iron rod, *dabia*, *desi* pistol have surrounded the informant and it was ordered by accused Umesh Yadav to kill the informant, due to which, Bittu Kumar and Karmaveer Kumar have alleged to be assaulted,

thereafter general and omnibus allegation against the other persons that they all assaulted the informant. It has been alleged that petitioner no. 1 had fired in his hand.

4. Learned counsel for the petitioners further submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioners are friend and well wishers of one Nandan Yadav who is accused no. 5 in the present F.I.R. in which they are seeking anticipatory bail.

5. Learned counsel for the petitioners further submits that the present F.I.R. is the result of the occurrence took place on 09.03.2023 and for the same date and place of occurrence, another F.I.R. was also filed from the petitioners' side which was registered as Surajgarha P.S. Case No. 78 of 2023, whereas the present F.I.R. in which petitioners' are seeking anticipatory bail is Surajgarha P.S. Case No. 79 of 2023.

6. Learned counsel for the petitioners further submits that the petitioners' friend Nandan Yadav's son was killed by the informant's side for which trial is pending. There were continues pressure from the side of the informant to close the case for which the petitioners' side were not ready and with a view to create pressure, the F.I.R. has been lodged. Counsel submits that the antecedent of the petitioners are clean.

7. Learned A.P.P. for the State opposes the prayer for bail and submits that there is a case and counter case and antecedent of the petitioners are clean.

8. In the present facts and circumstances of the case and the submissions made above, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.30,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai in connection with Surajgarha P.S. Case No. 79 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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