

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43013 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- BALTHAR District- West Champaran

1. Pramod Yadav son of Mohan Yadav Village- Ghogha Parsauni Ps- Balthar Dist- West Champaran
2. Bijli Yadav son of Mohan Yadav Village- Ghogha Parsauni Ps- Balthar Dist- West Champaran
3. Shambhu Yadav @ Ghughli Yadav son of Mohan Yadav Village- Ghogha Parsauni Ps- Balthar Dist- West Champaran
4. Videshi Yadav son of Samdev Yadav @ Ramdev Yadav Village- Ghogha Parsauni Ps- Balthar Dist- West Champaran
5. Dhamu Yadav son of Videshi Yadav Village- Ghogha Parsauni Ps- Balthar Dist- West Champaran
6. Prahlad Yadav son of Hiralal Yadav Village- Ghogha Parsauni PS- Balthar Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341/323/302/307/504/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner No.4 Videshi Yadav has antecedent of one case and rest of the accused persons have clean antecedent. The



informant alleged that on 20.11.2022 on account of a money transaction an altercation took place between the son of the informant and co-accused Jitendra Yadav and when his wife Tetri Devi went to save her son, it is alleged that 11 named accused persons including the petitioners had assaulted her and Jitendra Yadav assaulted the deceased with an iron rod causing injury on her head and she became unconscious and thereafter she was taken to hospital where she died during the course of treatment. The learned counsel submits that petitioners have been falsely implicated in the present case. It is next submitted that police after carrying threadbare investigation came to a considered conclusion that petitioners have been falsely implicated in the present case and, accordingly, Final Form No.29 of 2023 dated 23.03.2023 was submitted in favour of the petitioners finding the case to be false against them. But the learned trial Court based on the same investigation of the police deferred and took cognizance vide order dated 03.04.2023 under Sections 341, 323, 307, 302 and 504/34 of the Indian Penal Code. The learned counsel thus submits that when one investigating agency after carrying threadbare investigation came to a considered conclusion that petitioners are innocent it is not prudent to send them jail.



4. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions of the learned counsel for the petitioners, the petitioners, above named, are directed to be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from the date of receipt of the order on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Urmila Arya, the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran/Successor Court in connection with Balthar P.S. Case No.141 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Satyavrat Verma, J)

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