

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42021 of 2022

Arising Out of PS. Case No.-452 Year-2020 Thana- BARHARA District- Bhojpur

1. RAKESH KUMAR YADAV Son of Tejnarayan Yadav Resident of Village - Khakhan Ke Tola, P.S.- Khawaspur (Barahara), District - Bhojpur.
2. Anil Kumar Yadav @ Anil Yadav Son of Ram Dular Yadav Resident of Village - Khakhan Ke Tola, P.S.- Khawaspur (Barahara), District - Bhojpur.
3. Amarjeet Kumar Yadav Son of Sudarshan Yadav Resident of Village - Khakhan Ke Tola, P.S.- Khawaspur (Barahara), District - Bhojpur.
4. Ritesh Kumar Yadav @ Ritesh Yadav Son of Shiv Kumar Yadav Resident of Village - Khakhan Ke Tola, P.S.- Khawaspur (Barahara), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

11 19-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The informant alleges that on 09.10.2020, he went to the house of his villager for asking about the mobile of his brother which was stolen some times back when all the accused persons variously armed came and assaulted him and when Sanoj Yadav came to save him, he was also assaulted and when



other villagers came for mediating the issue, it is alleged that the petitioner No. 1 along with Mantosh assaulted Ritesh on head by *bhala* and *farsa* respectively and Amarjeet assaulted Munna by rod causing injury on head.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

Learned counsel for the petitioner next submits that from perusal of the allegations as alleged in the FIR, it would manifest that as far as petitioner No. 2 and 4 are concerned, there is no specific allegation of assault against them and petitioner No. 1 and 3 i.e., Rakesh Kumar and Amarjeet Kumar Yadav have been alleged to have assaulted Ritesh and Munna as recorded hereinabove. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the entire occurrence took place on account of trivial issue as it is alleged that the informant have gone to the village asking for verifying about the mobile of his brother which was stolen some times back, it is next alleged that from the side of the informant, petitioners also Barhara P.S. Case No. 451 of 2020 was instituted, it is next submitted that the present case is a counter-blast to Barhara P.S. Case No. 451 of 2020.

Learned counsel for the petitioner next submits that



the parties on intervention of well-wishers have compromised even. It is further submitted that the act of assault was committed at the spur of the moment when admittedly petitioners are not criminals and are persons with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barhara (Khawaspur O.P.) P.S. Case No. 452 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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