

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45250 of 2023

Arising Out of PS. Case No.-919 Year-2022 Thana- BRAHMPUR District- Buxar

1. KARIMAN YADAV Son of Late Bihari Yadav Resident of Village - Jawahi Jagdishpur, P.S.- Brahampur, District - Buxar.
2. Manoj Yadav @ Manouj Kumar Yadav Son of Kariman Yadav Resident of Village - Jawahi Jagdishpur, P.S.- Brahampur, District - Buxar.
3. Raj Raushan Yadav Son of Late Harikant Yadav Resident of Village - Jawahi Jagdishpur, P.S.- Brahampur, District - Buxar.
4. Dilip Yadav Son of Late Harikant Yadav Resident of Village - Jawahi Jagdishpur, P.S.- Brahampur, District - Buxar.
5. Saravjeet Yadav Son of Kariman Yadav Resident of Village - Jawahi Jagdishpur, P.S.- Brahampur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Dimpal Kumari, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 4 in order to enable him to surrender before the learned trial court within a period of four weeks and avail the privilege of regular bail.
2. Accordingly, the present petition qua the petitioner no. 4 stands dismissed as not pressed.
3. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.



4. The petitioners no. 1 to 3 and 5 apprehend their arrest in connection with Brahampur P.S. Case No. 919 of 2022, registered for the offences punishable under Sections 147, 148, 149, 448, 323, 307/34 of the Indian Penal Code.

5. The case of the prosecution, as per the complaint petition, which has been subsequently referred under Section 156(3) of the Cr.P.C. and thereafter F.I.R. has been registered, is that on 30.08.2022 at about 4:00 P.M. all the accused persons including the petitioners herein are stated to have arrived at the house of the informant, whereafter the petitioner no. 4 is stated to have assaulted the son of the informant by *Hasua* in his right eye resulting in blood oozing out from his eyes, whereafter other accused persons are also alleged to have engaged in overt act.

6. The learned counsel for the petitioners has submitted that the petitioners no. 1 to 3 and 5 are innocent and they have been falsely implicated in the present case. The learned counsel for the



petitioners no. 1 to 3 and 5 has further submitted that except the petitioner no. 4, no specific allegation has been levelled by the prosecution against the petitioners no. 1 to 3 and 5, regarding them having engaged in any sort of overt act, hence at least the petitioners no. 1 to 3 and 5 be granted the privilege of anticipatory bail.

7. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners no. 1 to 3 and 5 are having a clean antecedent and they have not been alleged to have engaged in any specific overt act, I deem it fit and proper to admit the petitioners no. 1 to 3 and 5 herein to the privilege of anticipatory bail.

9. Accordingly, the petitioners no. 1 to 3 and 5, above named, are directed to be released



on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 919 of 2022,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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