

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46452 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Gangu Yadav son of Late Biletan Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 2. Sandeep Yadav son of GAnгу Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 3. Pradeep Yadav son of Gangu Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 4. Sanjay Yadav son of Bhola Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 5. Indradeo Yadav son of Sagar Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 6. Ravindra Yadav son of Nanhu Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 7. Raj Kumar Yadav son of Sagar Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 8. Bijendra Yadav son of Nanhu Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)
 9. Santosh Kumar Singh @ Babu Lal Yadav son of Bhola Yadav Village- Pahadiya Ps- Bhagwanpur Dist- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-09-2023 Heard Mr. Rajesh Kumar Pathak, learned counsel

 appearing on behalf of the petitioners and Mr. Ajit Kumar,

 learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in

connection with Bhagwanpur P.S. Case No. 36 of 2023



registered under Sections 341, 323, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that on 17.02.2023 at about 08:00 A.M., the informant was sitting at the door of her home then the petitioners and co-accused persons entered into the house and they started assaulting with *kicks & fists* and hurled abuses to the informant. The petitioners attacked her with an intent to outrage her modesty and the petitioners No. 5 and 8 snatched her belongings worth Rs. 30,000/- & golden chain worth Rs. 40,000/- and also threatened to the informant.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in the present case with ulterior motive. There is case and counter case between the parties due to filing of F.I.R. by co-accused Aditya Kumar Singh (son of the petitioner no.1) bearing Bhagwanpur P.S. Case No. 33 of 2023.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.



6. Considering the nature of allegation made against the petitioners as well as the fact that the allegation levelled against the petitioners are general and omnibus. There is case and counter-case between the parties. The petitioners have been made accused in the present case after a week of lodging of Bhagwanpur P.S. 33 of 2023 by the petitioners' side. The petitioners are directed to be released on provisional pre-arrest bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25000 with two sureties of like amount each to the satisfaction of learned A.C.J.M. V, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 36 of 2023, subject to the condition that each petitioners should file an affidavit giving specific statement with respect to their criminal antecedent within a period of three weeks. In case the affidavit is filed within the aforesaid period of three weeks, the Court below after verifying the criminal antecedent of the petitioners, above named, if satisfied that the affidavit sworn by them is correct, the provisional bail granted to the petitioners shall be made absolute on such



terms and conditions as he deems fit and proper.

7. With the above observation the present pre-arrest bail filed on behalf of the petitioners stands disposed of.

(Purnendu Singh, J)

Manish/-
Nilmani/-

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