

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47817 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- LAKHISARAI District- Lakhisarai

AWADESH KUMAR @ AWADESH YADAV @ LOLA @ LOLA YADAV
SON OF ARJUN YADAV RESIDENT OF VILLAGE- DHARAMRAJ
CHAK, WARD NO. 7, PS AND DISTT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Lakhisarai P.S. Case No. 183 of 2023 dated 09.03.2023,
instituted for the offence punishable under Sections 147, 149,
323, 325, 337, 385, 307, 379, 427, 504 and 506 of the Indian
Penal Code.

3. As per the prosecution case, the F.I.R. has been
lodged against 10 named accused persons including the
petitioner to the effect that all the accused persons have entered
into the house of the informant and started abusing his mother in
the name of witchcraft. The accused persons also assaulted the
mother of the informant by alleging her *daain* that their buffalo



became ill on seeing her and in the course of treatment of the buffalo, Rs. 60,000/- has been spent. On refusal to pay the said treatment amount demanded by the accused persons, they forcibly started taking the buffalo of the informant. On protest being made by the father of the informant, the petitioner and other two accused persons also started assaulting the father of the informant due to which his leg was fractured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner and the informant both are next door neighbours and relation between them is not good. It is further submitted that there is a case and counter case between the parties. One Ranjeet Yadav son of Ramjee Yadav has filed Complaint Case No. 131 of 2023 on 16.03.2023 against the informant's side due to previous enmity, the present case has been lodged against the petitioner and other accused persons. It is also submitted that similarly situated persons, Jito Yadav and Ranjeet Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 04.08.2023 passed in Criminal Miscellaneous No. 44689 of 2023. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Lakhisarai P.S. Case No. 183 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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