

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54033 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. DHARMENDRA YADAV @ DHARMENDRA KUMAR SON OF ANIL PRASAD @ ANIL YADAV R/O-SHEKHPURA, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
2. BIPIN KUMAR @ VIPIN KUMAR @ VIPIN YADAV SON OF ANIL PRASAD @ ANIL YADAV R/O-SHEKHPURA, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
3. MUNNA PRASAD @ MUNNA YADAV SON OF RAM CHANDRA SINGH @ RAM CHANDRA YADAV R/O-SHEKHPURA, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
4. LALU KUMAR @ LALLU KUMAR @ LALU YADAV SON OF RAM CHANDRA SINGH @ RAM CHANDRA YADAV R/O-SHEKHPURA, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
5. SUNNY KUMAR @ SANIYA KUMAR @ SANIYA SON OF MUNNA KUMAR @ MUNNA YADAV R/O-SHEKHPURA, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Biresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Neemchak Bathani PS case no. 128 of 2022, registered for the offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3. The allegation is regarding the accused persons



including the petitioners herein having arrived at the house of the informant, whereafter they had assaulted the son of the informant on 26.07.2022 at about 7.30 hours in the morning.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners no. 4 and 5 are having a clean antecedent, however, petitioners no. 1 to 3 are accused in one another criminal case but they are on bail in the said case. It is also submitted by referring to the injury report, annexed to the present petition that the injury sustained by the son of the informant has been found to be simple in nature.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. 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 a general and omnibus allegation has been levelled against the accused persons and the injury, whatsoever, sustained by the son of the informant has been found to be simple in nature, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.



7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Gaya in connection with Neemchak Bathani PS case no. 128 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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