

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54791 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- SONBERSHA RAJ District- Saharsa

Bablu Yadav @ Chhatish Yadav Son Of Late Siyaram Yadav Resident Of
Village- Gajipaita, Ward No. 14, Ps- Sonbarsa Raj Distt- Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Section 341, 323, 354, 379, 307, 447, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the accusation of assaulting the informant and her family members with lathi, danda, farsa and rifle. In that course, the petitioner is alleged to have snatched a gold ear-ring worth Rs. 25,000/- from the informant.

4. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has been dragged in this case with ulterior motive. From the F.I.R. itself, there is no specific allegation of assault against the petitioner. There is case and counter-case between the parties. Moreover, the offences under Section 379 and 354

of the I.P.C. have not been found true during supervision which is evident from paragraph 16 of the case diary. Counsel further submits that the petitioner is accused in 3 more cases, but in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner and other co-accused after forming unlawful assembly at the door of the informant assaulted her and caused injury.

6. In the facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Sonbarsa Raj P.S. Case No. 218 of 2022 to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks and seeks regular bail.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--