

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54622 of 2023

Arising Out of PS. Case No.-75 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Ram Balak Yadav Son of Kamal Yadav, Resident of Village- Mahisaut P.S.-
Kuseshwar Asthan Dist- Darbhanga.
 2. Nepal Yadav Son of Kamal Yadav Resident of Village- Mahisaut P.S.-
Kuseshwar Asthan Dist- Darbhanga.
 3. Ram Nath Yadav Son of Tirpit Yadav Resident of Village- Mahisaut P.S.-
Kuseshwar Asthan Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 No one appears on behalf of petitioner, however,

learned APP for the State is present.

2. From the document of the present Cr. Misc.
Application, it transpires that petitioners are apprehending their
arrest in connection with Kiseshwar Asthan (Tilkeshwar O.P.)
P.S. Case No.75 of 2021 dated 18.04.2021, lodged under
Sections 143, 341, 323, 325, 354, 379, 308, 447, 427, 504, 506
of the Indian Penal Code.

3. As per prosecution case, the F.I.R. has been lodged
against eleven named accused persons. Specific allegation
against Ram Balak Yadav (petitioner no.1) is to assault by *farsa*



on the informant. It also transpires that allegation upon the petitioner no.2 is to attack by *lathi* on the head of victim namely Anil Yadav but there is no specific allegation against petitioner no.3 and he was barely order giver.

4. Learned A.P.P. for the State submits that out of three petitioners, there is direct allegation against petitioner nos.1 & 2 but against the petitioner no.3, there is no allegation save and except he is an order giver.

6. In the present facts and circumstances, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no.1, namely, Ram Balak Yadav and petitioner no.2, namely, Nepal Yadav. Accordingly, the prayer for anticipatory bail of petitioner nos.1 & 2 is hereby rejected.

7. Considering the nature of allegation levelled against petitioner nos.3, let him be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IVth, Biraul, Darbhanga, in connection with Kisheshwar Asthan (Tilkeshwar O.P.) P.S. Case No.75 of 2021, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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