

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55660 of 2023

Arising Out of PS. Case No.-130 Year-2020 Thana- ATRI District- Gaya

-
1. Sanjay Yadav @ Sanjay Prasad Yadav S/O Kuldeep Yadav
 2. Satyendra Yadav S/O Suresh Yadav
 3. Kuldeep Yadav S/O Ragho Yadav
 4. Amarendra Yadav @ Awadh Yadav S/O Suresh Yadav
- All petitioner no.1 to 4 are R/O Village- Bholi Bigha, Ps. Atri, Dist. Gaya
... .. Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
-

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Atri P.S. Case No.130 of 2020, F.I.R. dated 06.05.2020 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 06.05.2020 at about 2 PM Suresh Yadav and others came at his home and began to hurl abuse. Further, Suresh Yadav and Satyendra Yadav were armed with *Khanti* and they gave three blow of *Khanti* upon the head of informant which caused bleeding injuries and thereafter they gave *Khanti* blow on right hand. Sanjay Yadav gave axe blow to Kamlesh Yadav on



parietal region and chest and Jitendra Yadav/petitioner Amrendra Yadav and Kuldeep yadav assaulted indiscriminately by means of lathi and Rahul Kumar sustained injuries on his person. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioner no.1, 3 and 4 is having clean antecedent and petitioner no.2 has carry one criminal antecedent other than the present one and they have have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact the cattle of the informant damaged the crops of the petitioners and for that petitioners had seized the cattle of the informant and thereafter a panchayati was conducted, in which panchayat has imposed fine upon the informant of Rs.1000/- to pay to the petitioners' side, but they have not paid the fine amount and he had filed the present FIR against the petitioners only to harass them. Further, submits that as per allegation alleged in the FIR the petitioner no.1 had assaulted the Kamlesh but there is no injury report available on the record to suggest that Kamlesh had received any injury and injury report of the other injured persons, namely, Jagdeo Yadav and Rahul Kumar suggest that



although they have received injury but the injuries are simple in nature.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Gaya in connection with Atri P.S. Case No.130 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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

