

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54516 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- KISHUNPUR District- Supaul

1. AMOD YADAV @ AMOD KUMAR YADAV Son of Hardev Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.
2. Subodh Yadav @ Subodh Kumar Son of Hardev Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.
3. Ashok Yadav @ Ashok Kumar Yadav Son of Krishandev Prasad Yadav @ Krishandev Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.
4. Ramnandan Yadav @ Ramnandan Kumar Yadav Son of Krishandev Prasad Yadav @ Krishandev Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.
5. Abhinandan Yadav @ Abhinandan Kumar Son of Krishandev Prasad Yadav @ Krishandev Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.
6. Krishandev Prasad Yadav @ Krishandev Yadav Son of Khushilal Yadav Resident of Village - Bagewa, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149,



341, 323, 324, 325, 307, 379, 354(B), 506 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioners and the co-accused persons holding deadly weapons came to the door of the informant and started abusing the informant. The co-accused Krishnadeo Prasad fired from his pistol on the informant's son Laxman Yadav with intent to kill but it did not hit Laxman Kumar. The petitioner Subodh Yadav assaulted with *dabia* on the head of the informant's son causing head injury and when the Aanandi Yadav brother-in-law(devar) of the informant came to rescue the informant's son then the co-accused Amod Yadav also fired on the brother-in-law(devar) of the informant. In that course of occurrence, Amod Yadav assaulted on the head of the Bhuvan Yadav brother-in-law(devar) of the informant with intent to kill and he sustained fracture injury on his hand. The co-accused Ramnandan Yadav and Ganga Yadav also misbehaved with the informant. The Umesh Yadav brother-in-law(devar) of the informant also came to rescue the informant and he was assaulted by the co-accused Ashok Yadav with intent to kill as a result he sustained fracture injury on his hand. Other co-accused persons also snatched golden chain and Rs. 10,000/-

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The free fighting and an altercation took place between the parties.



As per injury report of the injured Laxman Yadav, the injury is simple in nature caused by hard and blunt substance. Learned counsel for the petitioners has submitted that the co-accused persons have already been granted anticipatory bail by a Coordinate Bench vide order dated 28.11.2022 passed in Cr. Misc. No. 46849 of 2022. He further submitted that the petitioner no. 1 and 2 is accused in one more criminal case and the petitioner no. 3 to 6 is also accused in one more criminal case in which they are on bail in such cases as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Supaul in connection with Kishanpur P.S. Case No. 249 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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