

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60492 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- TEYAR District- Bhojpur

1. SURENDRA YADAV S/O LATE JAY YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
2. MANOJ KUMAR @ MANOJ YADAV S/O SURENDRA YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
3. JITENDRA YADAV S/O SURENDRA YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
4. RAMESH KUMAR YADAV @ RAMESH YADAV S/O RAMCHANDRA YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
5. KAMLESH KUMAR YADAV @ KAMLESH YADAV S/O BABURAM YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
6. SURENDRA YADAV S/O LATE VISHWANATH YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR
7. SHIV KUMARI DEVI W/O SURENDRA YADAV R/O VILLAGE- JADOPUR, PS. TIYAR, DIST. BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Bharat Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioners and learned APP for the State of Bihar.

2. The petitioners are apprehending their arrest in connection with Tiyar P.S. Case No. 44 of 2023 registered for offence under Sections 147, 148, 149, 341, 323, 324, 332, 333, 337, 427, 353, 307, 109, 114, 224, 225, 504, 506 and 34 of Indian Penal Code and Sections 3 and 4 of Prevention of Damage to Public Property Act.



3. As per prosecution case, the allegation is that when the police party went to arrest the petitioner No. 1, the other accused persons have obstructed the arrest and also assaulted the police party along with 15 unknown local persons.

4. It is submitted by learned counsel for the petitioners that the prosecution case is false as is evident from the fact that the occurrence is of 08.06.2023 whereas the FIR has been forwarded to the court after 7 days i.e. on 14.06.2023. The injury reports which have been annexed along with the FIR also do not support the allegation of beating by more than 20 persons as only 2 of the persons have sustained minor injuries like abrasion, etc. The fact of the matter is that the police indulged in excesses during the arrest which was objected by the local persons wherein the scuffle took place between the parties. The Petitioner Nos. 1, 2 and 7 have one antecedent whereas Petitioner Nos. 3, 4, 5 and 6 have no antecedents. It is submitted that all the members of the family have been made accused on extraneous consideration.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the delay of about seven days in forwarding of the FIR and the nature of injuries, this Court is inclined to allow petitioners' prayer for



grant of anticipatory bail.

7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhojpur at Ara, in connection with Tiya P.S. Case No. 44 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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