

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69732 of 2022

Arising Out of PS. Case No.-25 Year-2020 Thana- BENIPATTI District- Madhubani

1. RAKESH YADAV @ RAJESH YADAV S/o Dani Yadav R/o Village- Salha, P.S.- Benipatti, Distt- Madhubani.
2. Dani Yadav @ Bhogendra Yadav S/o Ram Khelawan R/o Village- Salha, P.S.- Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr.Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 307, 379, 504/34 IPC.

As per the prosecution case, the F.I.R. named accused persons including the petitioners intercepted the tractor of the informant by motorcycle and committed '*marpit*'. Thereafter, petitioner no.1 assaulted the informant and when his father came to save him, the petitioners assaulted him.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not



specific rather general and omnibus in nature. The injury was found to be simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against petitioner no.1.

Considering the submissions of the parties, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is rejected.

However, having regard to the facts and circumstances of the case, since there is general an omnibus allegation against petitioner no.2, let the above named petitioner no.2, 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 Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Benipatti P.S. Case No.25/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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