

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67010 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- ATRI District- Gaya

1. Prakash Yadav @ Prakash Kumar, Son of Late Yadu Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
2. Nand Kishore Kumar @ Nand Kishore Kumar Yadav, Son of Sidhu Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
3. Dipu Kumar @ Dipu Kumar Yadav, Son of Devnandan Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
4. Manish Yadav @ Manish Kumar, Son of Surujdev Yadav @ Surajdev Yadav @ Surya Prasad, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
5. Surujdev Yadav @ Surajdev Yadav @ Surya Prasad, Son of Ramdhiraj Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
6. Mukesh Kumar, Son of Nagina Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
7. Surendra Yadav, Son of Late Ramlagan Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
8. Mahesh Yadav, Son of Rajan Yadav @ Rajnandan Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
9. Vijendra Kumar, Son of Matu Yadav, Resident of Village- Tetua, Birarpar, P.S.- Atri, District- Gaya.
10. Dhananjay Yadav @ Dhananjay Kumar, Son of Late Umesh Yadav, Resident of Shekhwa Fatehpur, P.S. - Belaganj, District - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-
arrest bail in connection with Atri P.S. Case No. 320 of 2023
registered for the offences punishable under Sections 147, 148,

149, 341, 323, 325, 307, 379, 354, 504 and 506 of the Indian Penal Code. The petitioner nos. 1, 6 and 10 have no criminal antecedent whereas rest of the petitioners have one criminal antecedent in which they are on bail.

3. As per the prosecution story, on 10.07.2023 at about 06:00 P.M. sixteen FIR named accused persons including these petitioners entered into the house of the informant armed with weapons and assaulted the informant and her family members due to which they sustained injuries. The allegation against petitioner no. 1 is that he assaulted the informant by lathi on her left hand and waist. Petitioner nos. 2 and 3 opened fire with pistol to enter into her house. Petitioner no. 4 looted Rs.3,000/- cash and snatched 5 gram golden chain of the informant and tried to outrage her modesty. The allegation against petitioner no. 10 is that he assaulted one Bhushan Yadav with iron rod due to which his both hands got fractured. Bhushan Yadav was also assaulted by petitioner no. 5 on his right hand. The petitioner no. 6 and 9 assaulted one Sarita Devi and snatched her ear-ring. Petitioner nos. 7 and 8 assaulted one Suryamani Devi by lathi due to which her left hand got swollen.

4. Learned counsel for the petitioners submits that out of ten petitioners, the allegation of causing assault upon the

injured Bhushan Yadav is upon Petitioner Nos. 5 and 10. It is further submitted that there is a counter case of the alleged occurrence also giving rise to Atri P.S. Case No. 319 of 2023 alleging that the informant side had assaulted the family members of the petitioners.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners.

6. Having regard to the submissions that out of ten petitioners, the allegation of causing assault upon the injured Bhushan Yadav is upon Petitioner Nos. 5 and 10, however, the said Bhushan Yadav has received bruises and that there is a counter case of the alleged occurrence giving rise to Atri P.S. Case No. 319 of 2023 alleging that the informant side had assaulted the family members of the petitioners, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Atri P.S. Case No. 320 of 2023 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 learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, the court below shall take step for cancellation of 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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