

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65627 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- FALKA District- Katihar

1. SATYA NARAYAN YADAV SON OF LATE SATAN YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
2. MANISH YADAV @ MANISH KUMAR YADAV SON OF SATYA NARAYAN YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
3. NITESH YADAV @ NITISH KUMAR YADAV SON OF SATYA NARAYAN YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
4. NIRAJ YADAV SON OF BIJALI YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
5. BULBUL YADAV @ BULBUL KUMAR SON OF BIJALI YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
6. ARJUN YADAV SON OF THAKUR YADAV RESIDENT OF CHANDPUR, P.S. - FALKA, DISTRICT - KATIHAR
7. GUDDU YADAV @ GUDDU KUMAR SON OF BABLU KUMAR YADAV RESIDENT OF CHANDWA, P.S. - FALKA, DISTRICT - KATIHAR
8. BHANU YADAV SON OF BABLU KUMAR YADAV RESIDENT OF CHANDWA, P.S. - FALKA, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioners apprehends their arrest in connection with Falka (Pothia) P.S. Case No. 96 of 2023 registered under Sections 147, 149, 341, 323, 307, 379, 354(B), 504 and 506 of the Indian Penal Code lodged on 30.03.2023 by



the informant, Mantu Kumar Sha @ Madan Kumar.

3. As per the prosecution story, the accused persons went along with the JCB and started throwing the items of the shop by the JCB and upon protest, all of them assaulted causing injury to him and his family members and further allegation is that they snatched amount as also broke the car. Accordingly the FIR.

4. Learned counsel for the petitioners submit that the dispute was with Satya Narayan Yadav (Petitioner no. 1) who has already been arrested and further injuries have been found to be simple in nature. Last submission is that since they are known to each other, irrespective of the outcome of the present case, they want to contribute Rs. 2000/- each to the informant through bank draft issued by the local branch of State Bank of India.

5. Learned APP for the State opposes the prayer for bail stating that so far as petitioner no. 3, Nitish Yadav @ Nitish Kumar Yadav is concerned, allegation is of having assaulted on the head of the informant by 'iron rod'.

6. Taking into account the aforesaid facts as also the allegation against him, this court is not inclined to grant the petitioner no. 3, Nitish Yadav @ Nitish Kumar Yadav on bail.



7. The name of petitioner no. 1, Satya Narayan Yadav already stands deleted vide order dated 18.10.2023 as he has been arrested.

8. So far as petitioner no.2, Manish Yadav @ Manish Kumar Yadav, petitioner no. 4, Niraj Yadav, and petitioner nos. 5 to 8, namely, Bulbul Yadav @ Bulbul Kumar, Arjun Yadav, Guddu Yadav @ Guddu Kumar and Bhanu Yadav respectively is concerned, omnibus allegation is there against them, they do not have criminal antecedent and the injuries have been found to be simple in nature, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 2000/- each to the informant, as stated above.

9. Let the petitioner no.2, Manish Yadav @ Manish Kumar Yadav, petitioner no. 4, Niraj Yadav, and petitioner nos. 5 to 8, namely, Bulbul Yadav @ Bulbul Kumar, Arjun Yadav, Guddu Yadav @ Guddu Kumar and Bhanu Yadav respectively in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail 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, Katihar in connection with Falka (Pothia) P.S. Case No. 96 of 2023,



subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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