

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68074 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- GAUNAHA District- West Champaran

1. AJIT KUMAR YADAV @ KUMAR AJIT RAJ Son of Late Premchand Yadav @ Premchandra Prasad Yadav Resident of Srirampur, Police Station - Gaunaha, District - West Champaran (Bihar).
2. Sujeet Kumar @ Sujeet Yadav Son of Sambhu Yadav @ Shambhu Yadav Resident of Srirampur, Police Station - Gaunaha, District - West Champaran (Bihar).
3. Pramod Yadav Son of Late Kanhai Yadav @ Kanhaiya Prasad Yadav @ Kanhaiya Yadav Resident of Srirampur, Police Station - Gaunaha, District - West Champaran (Bihar).
4. Anup Kumar Son of Late Paras Yadav @ Paras Prasad Yadav @ Late Paras Prasad Resident of Srirampur, Police Station - Gaunaha, District - West Champaran (Bihar).
5. Shambhu Yadav Son of Late Balkisun Yadav @ Bal Kishna Prasad Yadav Resident of Srirampur, Police Station - Gaunaha, District - West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners has filed a
supplementary affidavit in the Court today.

The same is accepted and kept on record.

After some arguments, learned counsel for the petitioners
seeks permission to withdraw this application as against



petitioner no.1.

Permission is accorded.

Accordingly, this application as against petitioner no.1 is dismissed as withdrawn.

However, if petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering that petitioner no.1 is a teacher and there is compromise between the parties.

Now, this application is being heard for consideration of anticipatory bail of petitioner nos.2 to 5.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 324, 307, 379, 504, 506/34 of the IPC.

Allegedly, the petitioners are said to have assaulted the informant by means of lathi, rod etc.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against these petitioners is not specific rather general and omnibus in nature. The specific allegation is against



the petitioner no.1. For the alleged occurrence, there is case and counter-case between the parties and in the said altercation both sides have sustained injuries, which are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioner nos.2 to 5, be released on bail, in the event of their 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 Gaunaha P.S. Case No.38 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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