

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70762 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- RAHUI District- Nalanda

1. Ashok Yadav Son Of Late Bindeshwar Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
2. Suryadeo Yadav Son Of Late Bindeshwar Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
3. Rajesh Kumar Son Of Ashok Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
4. Tarun Kumar Son Of Ashok Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
5. Mantu Yadav @ Mantu Kumar Son Of Nagina Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
6. Bikash Kumar @ Kakku Yadav Son Of Nagina Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA
7. Vishal Kumar @ Dhuri Yadav Son Of Dinanath Yadav R/O Vill- Near Rahui Pani Tanki Ps- Rahui Dist -NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Nayan Chaubey, Sr. Adv. Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2023 Heard learned Senior Counsel for the petitioners and
learned APP for the State.

2. Learned Senior Counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 2 submitting that during pendency of this application the
petitioner no. 2 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to



petitioner no. 2 is dismissed as withdrawn.

5. Now this application is being heard only with regard to petitioners no. 1, 3, 4, 5, 6 and 7.

6. Heard learned Senior Counsel for the petitioners and learned A.P.P. for the State.

7. The petitioners apprehend their arrest in Rahui P.S. Case No. 268 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 307, 504, 506, 379, 325 of the Indian Penal Code pending in the Court of learned A.C.J.M.-I, Nalanda at Bihar Sharif.

8. As per the prosecution case, allegation against the petitioners along with other co-accused persons is that they have brutally assaulted the brother of the informant with intention to kill him.

9. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that the injured person was primarily examined at Primary Hospital and later on the basis of report issued by the private hospital, the Medical Officer of the Primary Hospital issued the injury report and from bare perusal of the injury



report, it appears that though the injuries are shown as grievous in nature but injuries are not on the vital part of the body. The petitioners no. 1 has five criminal antecedent, petitioners no. 3, 4 and 7 have two criminal antecedents, petitioner no. 5 have five criminal antecedent and petitioner no. 6 have four criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioners are also involved in the present case. Hence, they do not deserve privilege of anticipatory bail.

11. Considering the facts and circumstances of case, nature of the offence and the criminal antecedents, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

12. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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