

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70641 of 2023

Arising Out of PS. Case No.-486 Year-2023 Thana- BANKA District- Banka

Subhas Chandra Yadav @ Subhash Chandra Yadav @ Bittu Yadav son of
Nakul Yadav @ Nakul Prasad Yadav Village- Karharia P.S.- Banka Dist-
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Suman Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Banka P.S. Case No. 486 of 2023, registered for the
offences punishable under Sections 143, 149, 341, 323, 324, 379
and 307 of the Indian Penal Code.

3. While the informant was going on his motorcycle,
in the meantime, all the FIR named accused persons, including
the petitioner and 2-3 unknown persons intercepted the
informant and snatched the key of the motorcycle. On protest
being made, it is specifically alleged that co-accused Belcha @
Rupesh Yadav assaulted the informant over his head by means



of bamboo due to which he fell down. It is further alleged that other accused persons also assaulted the informant indiscriminately with *lathi* and *danda*. The accused persons also fled away with the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that there is long standing enmity between the parties, resulting into lodging of the present FIR, moreover, the specific allegation of assault, causing grievous injury has been levelled against Belcha @ Rupesh Yadav, so far the petitioner and others are concerned, there is omnibus nature of allegation. He next submits that the petitioner is having one criminal antecedent, however, in which he is on bail. He next submits that the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the fact that the injury sustained by the victim is attributed by Belcha @ Rupesh Yadav, coupled with the undertaking given before this Court, let the petitioner above named be released on bail, in the event of his arrest or surrender



before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 486 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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