

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71993 of 2023

Arising Out of PS. Case No.-989 Year-2018 Thana- SAHARSA SADAR District- Saharsa

1. Bikash Yadav @ Bikash Kumar Son Of Late Raghunath Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
2. Indel Yadav @ Hirday Yadav Son Of Kesho Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
3. Pappu Yadav Son Of Kesho Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
4. Ajit Kumar Yadav @ Ajit Kumar Son Of Kesho Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
5. Kesho Yadav Son Of Ramdhan Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
6. Nandan Yadav @ Nandan Kumar Son Of Late Chandra Kishore Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa
7. Siwan Yadav Son Of Bhulan Yadav R/O Vill - Amarpur, P.S. - Sonbarsha Kachahari, Distt. - Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 325, 308, 354, 380, 427, 504, 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along



with other co-accused persons are said to have assaulted the informant and his wife.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against these petitioners, there is specific allegation against co-accused, Santosh Yadav, who assaulted the informant upon his head and the injury was found grievous in nature. He further submits that co-accused, Santosh Yadav have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 06.12.2018 passed in Cr. Misc. No. 71453 of 2018. He also submits that, during investigation, petitioners were given benefit of Section 41(A) of the Cr.P.C., later on charge-sheet has been submitted and cognizance has been taken against these petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners, 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 lower Court where the case is pending/successor Court in connection with Saharsa Sadar (Sonbarsa-Kachahari) P.S. Case No.989 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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