

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76697 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BEN P.S. District- Nalanda

Gilli Yadav @ Rohit Yadav S/O Tulsi Yadav R/O Village- Dahaghat, P.S- Ben,
Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Ben P.S. Case No. 34 of 2023 dated 11.03.2023, instituted for the offence punishable under Sections 341, 323, 325, 307/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on 06.03.2023 at about 02:00 pm, the husband of the informant went to Koluha Pul but he did not return till 04:00 pm, then the informant along with her villagers came to Koluha Pul and enquired from the people and she came to know that her husband was taken on a tempo by few people. The informant searched him and at about 05:00 pm, she found him badly injured in the bushes of Dahaghar. Thereafter, her husband was



brought to hospital. During the course of treatment, the husband of the informant disclosed the names of persons who brutally assaulted him and thrown him in the bushes.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that F.I.R. was lodged against 10 accused persons including the petitioner. It is further submitted that there is no specific allegation against the petitioner and he has been made accused in this case only on the basis of suspicion. It is further stated that there is no eye witness to the alleged occurrence. Learned counsel further submitted that the occurrence took place on 06.03.2023 but the F.I.R. was lodged on 11.03.2023 without any explanation of delay. It is further submitted that the injury received by the husband of the informant is simple in nature. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ben P.S. Case No. 34



of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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