

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3916 of 2023

Arising Out of PS. Case No.-447 Year-2021 Thana- GOGRI District- Khagaria

1. DHANWO YADAV @ DHARMVEER YADAV S/o Arun Yadav R/o Basudeopur, P.S.- Gogri, Distt- Khagaria.
2. Suraj Kumar S/o Arun Yadav R/o Basudeopur, P.S.- Gogri, Distt- Khagaria.
3. Mala Devi W/o Arun Yadav R/o Basudeopur, P.S.- Gogri, Distt- Khagaria.
4. Manish Yadav @ Manish Kumar S/o Becho Yadav @ Bechan Yadav R/o Rupauli, P.S.- Rupauli, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim
For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners seeks
permission to withdraw this application as against the petitioner
no.3, as he has already been arrested by the police, during
pendency of this application.

Permission is granted.

Accordingly, the instant application as against the
petitioner no.3 is dismissed as withdrawn.

Now, this application is being heard for
consideration of anticipatory bail as against the petitioners no.1,



2 & 4 only.

Heard learned counsel for the rest of the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 447, 341, 323, 307, 379, 337, 338, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

Allegation against the petitioners is that they along with others co-accused persons forming an unlawful assembly came there and threw the informant on PCC and Arun Yadav ordered to kill. Manish Yadav sat on his chest and seriously injured his head with assaulting the butt of three naught and other accused persons assaulted him by the piece of bricks. On hulla informant's wife and daughter came there, all the accused persons indecently abused and assaulted with him.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that injuries found upon the victims are simple in nature. He submits that there is delay of two days in filing of the present FIR and there is no any explanation about it which creates serious doubt about the prosecution case. He further submits that the informant and the petitioners are agnates



and there is dispute between the parties. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the nature of the injuries, let the petitioners no.1, 2 & 4, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Gogri P.S. Case No.447/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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