

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.766 of 2023

Arising Out of PS. Case No.-11 Year-2018 Thana- SC/ST District- Purnia

1. THAKUR PRASAD YADAV SON OF LATE UDAY YADAV R/O VILL.-
BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA
2. JAGARNATH YADAV SON OF BRIJ LAL YADAV R/O VILL.-
BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA
3. AMIT KUMAR YADAV SON OF THAKUR PRASAD YADAV R/O
VILL.- BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA
4. FATKAN YADAV SON OF LATE RANJIT YADAV R/O VILL.-
BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA
5. BRIJ LAL YADAV SON OF LATE BAHADUR YADAV R/O VILL.-
BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA
6. KRITYANAND BISWAS SON OF LATE KHUSHI LAL BISHWAS R/O
VILL.- BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. INDER KUMAR RAI SON OF BAZARU RAI R/O VILL.-
BABHANPURA, P.S.- DAGARUA, DISTT.- PURNIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Adv.
For the Opposite Party/s : Mr.Usha Kumari 1,APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 147, 149, 341, 323,
447, 436, 307, 354C, 504 & 506 of the Indian Penal Code and
Section 12 of the POCSO Act and Section 3(i),(r),(s),(w),(ii) of
the SC/ST Act.



The prosecution story in short is that during Saraswati Puja, photograph of the informant's sister was taken and posted on social media with caption (My GF) regarding which the informant went to his lawyer to draft FIR. In the meantime, the petitioners came there and called the informant outside the office and assaulted him. It is further alleged that FIR named accused persons came to his house and set his house on fire.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of taking photograph of informant's sister and uploading the same on social media has been alleged against Lalu Yadav. There is old dispute between the parties. It is further submitted that the benefit of Section 41(A) has been granted to all the petitioners but after the investigation, the police submitted charge sheet under the alleged sections of FIR and the learned court below has also taken cognizance in all alleged sections of the FIR. Petitioner nos. 1, 2, 4, 5 & 6 have no criminal antecedent whereas petitioner no.3 has one criminal antecedent as



mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since 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 Purnia SC/ST P.S. Case No.11 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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