

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4202 of 2023

Arising Out of PS. Case No.-19 Year-2013 Thana- NIMCHAKBATHANI District- Gaya

1. SURENDRA YADAV S/o Chandradeo Yadav R/o Village- Kharjama, P.S.-
Neemchak Bathani, Distt- Gaya.
2. Mithilesh Yadav S/o Ramji Yadav R/o Village- Kharjama, P.S.- Neemchak
Bathani, Distt- Gaya.
3. Sadhu Yadav @ Kamlesh Yadav S/o Jagdish Yadav R/o Village- Kharjama,
P.S.- Neemchak Bathani, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh,Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Neemchak Bathani P.S. Case No.19 of 2013, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 448 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons having arrived at the house of the uncle of the informant, on the alleged date and time of occurrence, whereafter they had assaulted the



uncle of the informant by lathi, stick and rod and when the informant had tried to save his uncle, the co-accused person, namely, Pulendra Yadav had fired from his gun, resulting in him sustaining gun shot injury.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and they have not been alleged to have engaged in any sort of specific overt act either qua the informant or his uncle.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and they are having a clean antecedent, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No.19 of 2013, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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