

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4641 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. HARENDRA PRASAD YADAV @ HARINDER RAI SON OF KAILASH PRASAD YADAV RESIDENT OF VILLAGE - BARHARWA, KHURD, P.S. - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN
 2. SONU KUMAR YADAV @ SUNIL YADAV SON OF HARENDRA PRASAD YADAV @ HARINDER RAI RESIDENT OF VILLAGE - BARHARWA, KHURD, P.S. - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN
 3. SUNIL KUMAR YADAV SON OF HARENDRA PRASAD YADAV @ HARINDER RAI RESIDENT OF VILLAGE - BARHARWA, KHURD, P.S. - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN
 4. SUMESH YADAV @ SUMESH KUMAR SON OF CHANDRIKA RAI RESIDENT OF VILLAGE - BARHARWA, KHURD, P.S. - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rashmi Jha, Adv.
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP
For the Informant	:	Mr.Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-03-2024 Heard learned counsel for the petitioners, learned counsel
for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 341, 323, 324, 307, 379, 385, 447,
504, 34 of the IPC.

3. As per the prosecution case, on a dispute regarding
drainage of dirty water, the petitioners along with other accused
persons demanded Rs.5 lakhs as extortion and on refusal, they



brutally assaulted the informant and his son. It is further alleged that they committed theft of Rs.25000/-, furniture from the house of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is fairly submitted that there is specific allegation against the petitioner no.1 to assault the son of the informant repeatedly by means of farsa. Petitioners have two criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that earlier, in the main bail petition, it was mentioned that the petitioners have no criminal antecedent but it is only after the informant entered appearance in this case through the learned counsel, a supplementary affidavit on behalf of the petitioners has been filed, stating therein that the petitioners have two criminal antecedent. The petitioners tried to suppress their criminal antecedent. It is further submitted that there is specific allegation against the petitioner no.1 to give repeated blows on



the son of the informant by means of farsa.

6. Having regard to the facts and circumstances of the case, considering that there is general and omnibus allegation against the petitioner nos.2, 3 and 4 above named, let them 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 court below where the case is pending/Successor Court in connection with Dumariyaghat P.S. Case No.51 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering the nature of allegation alleged against the petitioner no.1, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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