

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7989 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Ganeshi Yadav, Son Of Rajo Yadav, Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 2. Garib Yadav, Son Of Rajo Yadav, Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 3. Bhup Narain Yadav, Son Of Rajo Yadav Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 4. Chhotelal Yadav Son Of Rajo Yadav Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 5. Mantun Yadav Son Of Ganeshi Yadav Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 6. Rishabh Yadav Son Of Ganeshi Yadav Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga
 7. Raushan Kumar Yadav Son Of Ganeshi Yadav Resident Of Village - Zuraina, P.S. - Kusheshwar Asthan, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Kusheshwar Asthan P.S. Case No. 116 of 2023, registered for the offences under Sections 341, 342, 323, 379, 363, 365, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners abused the



informant and assaulted his relative and sons when the informant and others have gone to attend some *Yagya* at a nearby place. They further abducted the relative and son of the informant and the informant came to know that they were being brutally assaulted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The real fact of the case is that petitioner no. 1 registered a case against the son of the informant and others vide Kusheshwarasthan P.S. Case No. 117 of 2023 under Section 457 and 380/34 of IPC and the present case has been filed only to pressurize the petitioners. From perusal of FIR, it appears that occurrence took place on 20.04.2023 and the FIR has been registered on 22.04.2023 without any explanation. The prosecution story is not believable that the son of the informant was abducted and he kept silent for about two days. The son of the informant recorded his statement under Section 164 Cr.P.C. but his statement is vague. There is no injury report on record. Petitioner nos. 1, 4 and 5 are accused in one another case and petitioner nos. 2, 3, 6 and 7 are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also considering the general and non-specific nature of allegation against the petitioners coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul/concerned court in connection with Kusheshwar Asthan P.S. Case No. 116 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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