

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5554 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- BANGAWON District- Saharsa

1. Bablu Yadav S/o Dhanraj Yadav R/o vill - Bariyahi Basti, ward no. 9, P.S. - Bangaon, Distt. - Saharsa
2. Santosh Yadav S/o Late Ram Chandra Yadav R/o vill - Bariyahi Basti, ward no. 9, P.S. - Bangaon, Distt. - Saharsa
3. Sanjeev Yadav S/o Late Ramchandra Yadav R/o vill - Bariyahi Basti, ward no. 9, P.S. - Bangaon, Distt. - Saharsa
4. Ganeshi Yadav S/o Asharfi Yadav R/o vill - Bariyahi Basti, ward no. 9, P.S. - Bangaon, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bangaon P.S. Case No. 05 of 2023 dated 11.01.2023, instituted for the offence punishable under Sections 307, 354(A), 379, 385, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case in brief is that petitioners along with other co-accused persons have been alleged to have demanded ransom of Rs. 50,000/- from the informant and on refusal to pay the same, the co-accused Rajiv Kumar @ Ritesh Yadav assaulted the informant with *farsa* on his head with intention to kill him causing sharp cut injury. It is further alleged



that Sanjeev Yadav, Santosh Yadav and Dinesh Yadav also struck on his body by iron rod. His brother Raj Kumar Yadav came to save him then Santosh Yadav, Raju Yadav, Ganeshi Yadav, Dinesh Yadav also assaulted him by iron rod. It is further alleged that Bablu Yadav, Santosh Yadav and Sanjiv Yadav assaulted the wife of the informant. They also looted jewellery worth Rs. 2 lakhs, cash of Rs. 50,000/- and household articles of Rs. 50,000/-

4. Learned counsel for the petitioners submit that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that both the sides are agnates. It is further submitted that there is specific allegation against co-accused, namely, Rajeev Kumar, who assaulted with *farsa* on the head of the informant, and the injury report at page no 22 of the bail petition, supports the case of the prosecution. It is further submitted that the allegation against the petitioner nos. 2 and 3 along with co-accused Dinesh Yadav is that they assaulted the informant with an iron rod and allegation against petitioner nos. 2 and 4 along with co-accused Raju Yadav and Dinesh Yadav is that they assaulted informant's brother, namely, Raj Kumar Yadav with an iron rod, when he came to save the informant. It is further submitted that the injury report is



mentioned at page nos. 22 and 23, in which doctor opined that the injury is simple in nature. There is case and counter case between the parties. Further, it is submitted that petitioner no. 2 lodged Bangaon P.S. Case No. 08 of 2023 on 14.01.2023 against the informant and his family members. Lastly, it has been submitted that the petitioner no. 1 has one criminal antecedent, in which he was acquitted and so far as petitioner nos. 2, 3 and 4 are concerned, they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bangaon P.S. Case No. 05 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – Ist, Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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