

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9402 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- BANMANKHI District- Purnia

Gajendra Yadav @ Gajo Yadav S/O Late Parmeshwar Yadav Resident Of
Bairak Ward No. 10, Ps. Raniganj, Dist. Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Banmankhi P.S. Case No. 290 of 2023 dated 22.06.2023, instituted for the offence punishable under Sections 147, 341, 323, 363, 379, 365, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 22.06.2023 at about 7.00 AM while the father of the informant, namely, Subol Yadav, was working in his field then the informant got information that the accused persons named in the FIR along with 8-10 unknown miscreants forming an unlawful assembly came and kidnapped him. Thereafter, the informant chased the miscreants and met with petitioner Gajendra Yadav @ Gajo Yadav and enquired about the same, then petitioner



along with other co-accused namely, Subhash Yadav and Gulshan Kumar pointed out firearm on his temporal region and started abusing and assaulting him and also snatched golden locket from him. The accused persons severely assaulted his father and threatened him with dire consequences as accused persons suspected about the involvement of his father in a case of theft of buffalo of Gajendra Yadav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the allegation against the petitioner is that while father of the informant victim namely, Subol Yadav was working in his agricultural field then the petitioner along with accused persons came there and assaulted and kidnapped informant's father and thereafter knowing about occurrence, the informant chased the miscreants then on the way miscreants abused and assaulted him and snatched his golden locket. So far injury is concerned, the said injury report shows that the injury is superficial in nature though the doctor found swelling on the leg and it is very apparent that the victim, Subol Yadav has committed theft of buffalo of the petitioner which caused scuffle between the parties and the present false case has been lodged against the petitioner. Learned counsel further



submitted that similarly situated co-accused persons namely, Jay Kumar Yadav, Pawan Yadav and Subhash Yadav have been granted bail vide order dated 18.10.2023 passed by this Court in Criminal Miscellaneous No. 63255 of 2023. Lastly, it has been submitted that the petitioner has one criminal case against him.

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

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 petitioner within a period of six weeks from today, in connection with Banmankhi P.S. Case No. 290 of 2023, he 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 C.J.M., Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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