

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20129 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- BODHGAYA District- Gaya

1. Mithalesh Yadav @ Firangi Yadav Son of late Sibal Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
2. Sujit Kumar Son of Mithalesh Yadav @ Firangi Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
3. Ajit Kumar Son of Mitghalesh Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
4. Usha Devi Wife of Mitghalesh Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
5. Dinesh Yadav Son of late Sudevan yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
6. Pawan Kumar Son of Sanjay Yadav @ Bagha Yadava Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
7. Sanjay Yadav @ Bagha Yadav Son of late Sudevan yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
8. Kanti Devi Wife of Rajdeo Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
9. Anju Devi Wife of Rajdeo Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
10. Deepak Kumar Son of Dinesh Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
11. Chhotu Kumar @ Ranjit Kumar Son of Mithalesh Yadav @ Firangi Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya
12. Bittu Kumar Son of Rajdeo Yadav Resident of vill.-Moratal, P.S.-Bodhgaya, Dist.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.



2. The petitioners apprehend their arrest in connection with Bodhgaya P.S. Case No. 803 of 2023 for the offence registered under sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code lodged on 15.10.2023 by the informant, Bulki Devi.

3. As per the prosecution story, the informant alleged that while crossing the house of one Mithilesh Yadav, he was intercepted by the accused persons who started abusing and later Sujit Kumar gave a rod blow. Further allegation is of snatching of golden chain and ornaments. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that they are agnates, next door neighbour and only due to land dispute, such allegation has been made and there is also a delay of 26 days in lodging of the F.I.R.

5. Learned APP for the State, on the other hand, submits that so far as the petitioner no. 2, Sujit Kumar is concerned, there is direct allegation against him of giving rod blow, a perusal of the learned Sessions Judge order would show that the injured were taken to A.N.M.M.C.H., Gaya for treatment and he also has criminal antecedent.

6. Considering the aforesaid facts so far as the petitioner no. 2, Sujit Kumar is concerned, it would be



appropriate that he seeks bail and his anticipatory bail application stands rejected.

7. So far as the other petitioners including the ladies are concerned, in view of the fact that omnibus allegation is there against them, no specific role attributed, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 1 and 3 to 12, namely, Mithalesh Yadav @ Firangi Yadav, Ajit Kumar, Usha Devi, Dinesh Yadav, Pawan Kumar, Sanjay Yadav @ Bagha Yadav, Kanti Devi, Anju Devi, Deepak Kumar, Chhotu Kumar @ Ranjit Kumar and Bittu Kumar respectively in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Bodhgaya P.S. Case No. 803 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 1 and 3 to 12, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 1 and 3 to 12 shall appear on



each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioner nos. 1 and 3 to 12 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioner nos. 1 and 3 to 12 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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