

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18385 of 2024

Arising Out of PS. Case No.-515 Year-2023 Thana- ATRI District- Gaya

1. UMESH YADAV Son of Latan Yadav @ Lattan Yadav
2. AMLESH YADAV Son of Latan Yadav @ Lattan Yadav
3. LATAN YADAV @ LATTAN YADAV Son of Late Jageswar Yadav.
All petitioners are Resident of Village-Panditpur Sohari, P.S.-Atri, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Gajendra Kumar Singh, learned counsel
for the petitioners and Ramchandra Sahni, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Atri P.S.Case No.515 of 2023, FIR dated 18.11.2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506 & 34 of the Indian Penal Code.

3. Prosecution case, in brief, as per written application of the informant Ranjeet Yadav is that on 17-11-2023 at about 4.30 P.M., he had prepared his Khatian for thrashing paddy crop at that time, accused/petitioners came there armed with deadly



weapons and started abusing him with filthy language. Meanwhile, accused Umesh Yadav attacked with Chappada from the backside on the head of informant due to which he fell down, got unconscious and blood started oozing out thereafter, strangulated his neck with intention to kill. It is further alleged that Amlesh Yadav fired a gun shot to create terror, upon hearing a noise, informant's wife came to save him, but they all also assaulted her. It is also alleged that accused Lattan Yadav also attacked him with iron rod. It is further alleged that Amlesh Yadav snatched away gold Mangalsutra worth Rs. 16000/- from the neck of informant's wife and also threatened the informant and all his family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that as per FIR allegation against petitioner No.1 is that he assaulted to the informant. Learned counsel for the petitioners submits that although the informant has received injury but the injury report of the informant which is mentioned in para-21 of the case diary suggests that the injury found which is simple in nature and apart from that there is case and counter case between the parties and the present case is counter blast of Atri P.S. Case



No.514 of 2023 filed on behalf of the petitioners' side against the informant.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, injury inflicted upon the injured person is simple in nature and there is case and counter case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Atri P.S.Case No.515 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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