

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23870 of 2024

Arising Out of PS. Case No.-69 Year-2016 Thana- ASHTHAWAN District- Nalanda

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1. Saina Yadav @ SAINA PRASAD Son of Late Kameshwar Yadav R/o Village- Asthawan, P.S.- Asthawan, District- Nalanda
 2. Bhushan Yadav Son of Rajendra Yadav R/o Village- Asthawan, P.S.- Asthawan, District- Nalanda
 3. Jairaj KUMar Son of Virendra Yadav R/o Village- Asthawan, P.S.- Asthawan, District- Nalanda
 4. Birendra Yadav Son of Late Vishunudev Yadav R/o Village- Asthawan, P.S.- Asthawan, District- Nalanda
 5. Nakul Yadav Son of Late Kameshwar Yadav R/o Village- Asthawan, P.S.- Asthawan, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-04-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Asthawan P.S. Case No.69 of 2016, registered for the offence punishable under Sections 341, 323, 308, 504, 337, 338/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other co-accused persons abused the informant and also pelted stones at them due to which one Niwas Kumar, aged about 6 years sustained injury.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Both the sides are agnates and there was no intention to cause injury to the informant. He further submits that after investigation, police has submitted charge sheet against the petitioners and cognizance has been taken against them on 09.08.2017. Petitioners have criminal antecedent, which is mentioned in paragraph-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that charge sheet has already been submitted in the year 2017 and petitioners have moved for anticipatory bail in the year 2024, therefore, it is not a fit case for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this application is dismissed. However, if



the petitioners surrender before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering the view of the Apex Court laid down in the case of *Satendra Kumar Antil v/s Central Bureau of Investigation & Anr. :(2022) 10 SCC 51* and also in *Arnesh Kumar v. State of Bihar (2014) 8 SCC 273*.

(Anjani Kumar Sharan, J)

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