

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28314 of 2024

Arising Out of PS. Case No.-525 Year-2022 Thana- FATEHPUR District- Gaya

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1. Lalit Yadav Son of Mathura Yadav, Resident Of Village - Khadhara, Police Station - Fatehpur, District - Gaya
 2. Pintu Yadav @ Pintu Kumar Son Of Lalit Yadav Resident Of Village - Khadhara, Police Station - Fatehpur, District - Gaya
 3. Manoj Yadav @ Manoj Kumar @ Manoj Kumar Yadav Son Of Lalit Yadav Resident Of Village - Khadhara, Police Station - Fatehpur, District - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. This is the second attempt of the petitioners to obtain pre-arrest bail in connection with Fatehpur P.S. Case No. 525 of 2022 registered for the offences punishable under Sections 341, 323, 308, 379, 506/34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 20.08.2022 at 06:00 pm, due to prior dispute, Lalit Yadav (petitioner no. 1) called the husband of the informant and started abusing and beating him. Thereafter, Pintu Yadav (petitioner no. 2) and Manoj Kumar Yadav (petitioner no. 3) came with iron rod in

their hands and assaulted the husband of the informant due to which his legs, back and head started bleeding. In the meantime, co-accused Sunaina Devi and Saroja Devi also came and they all assaulted the husband of the informant. When the informant came to rescue his husband then all accused persons also assaulted her. It is alleged that the accused persons snatched away golden chain from her neck.

4. Learned counsel for the petitioners would submit that the alleged occurrence has taken place between the two brothers on account of some partition dispute.

5. Learned counsel submits that the petitioners had fully participated and cooperated in course of investigation of the case, they were given the benefit of Section 41(1)(a) CrPC as the police did not require arrest of the petitioners but later on, police has submitted a chargesheet under Sections 341, 323, 325, 308, 504, 506/34 of the Indian Penal Code.

6. Learned counsel submits that from the facts and circumstances stated in the FIR itself, it would appear that the occurrence had taken place between the parties all of a sudden or on account of some family disputes. The petitioners are ready to participate in course of trial.

7. On the other hand, learned counsel for the

informant and learned APP for the State have opposed the prayer for pre-arrest bail of the petitioners. It is submitted that no doubt the petitioners were given the benefit of Section 41(1) & 41-A CrPC during investigation but now that police has submitted chargesheet against them in various provisions of the IPC including Section 308 IPC, they would be required to surrender and seek regular bail alone.

8. Having heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State as also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil versus Central Bureau of Investigation and Anr.** reported in **(2022) 10 SCC 51**, this Court is of the considered opinion that if the petitioners were not required to be arrested during investigation pre-filing of the chargesheet, at this stage, they deserve privilege of pre-arrest bail.

9. Let in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Fatehpur P.S. Case No. 525 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial

Magistrate, X, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. 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 antecedent, 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.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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