

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35073 of 2024

Arising Out of PS. Case No.-10 Year-2021 Thana- GHOGHARDIHA District- Madhubani

1. Chandeshwar Yadav Son of Prameshwar Yadav Resident of village - Kupaha, P.S.- Ghoghardiha, District - Madhubani
2. Jageshwar Yadav Son of Jibachh Yadav Resident of village - Kupaha, P.S.- Ghoghardiha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vinod Kumar, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-06-2024 At the outset, learned counsel for the petitioners is permitted to make correction in the typographical error which has been occurred in Paragraph-1 of the application.

2. Heard Mr. Gagandeo Yadav, learned counsel for the petitioners assisted by Mr. Ravi Prakash, Mr. Vinod Kumar and Mr. Udeshya Kr. Yadav and Mr. Narendra Kumar Singh, learned A.P.P. for the State.

3. The petitioners have moved this Court for grant of pre-arrest bail in connection with Ghoghardiha P.S. Case No. 10 of 2021 dated 11.01.2021, G.R. No. 89/201 for the alleged offences registered under Sections 341, 323, 307, 504/34 of the



I.P.C. and they have no criminal antecedent.

4. As per prosecution story, on 21.11.2021, son of Jageshwar Yadav had dashed the informant by his vehicle and, for that, altercation took place between Narayan Yadav and Ashok Yadav in which the other accused persons namely Jageshwar Yadav, Chandeshwar Yadav (petitioners) came at the door of the informant and indulged in abuse and assault, as a result of which, three persons received head injuries.

5. Learned counsel for the petitioners submits that the occurrence took place on 11.01.2021 and, during investigation, the petitioners received notice under Section 41(I) of the Code of Criminal Procedure, 1973. It is submitted that, on receipt of the said notice, the petitioners appeared before the Investigating Officer and they have fully cooperated with the investigation. The Investigating Officer did not find it a fit case to arrest the petitioners during investigation but, later on, a charge-sheet has been filed against the petitioner and others under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

6. It is further submitted that the learned Additional District and Sessions Judge-I, Jhanjharpur has rejected the prayer for anticipatory bail of these petitioners and they have been directed to appear before the Court concerned and seek



regular bail. The petitioners have apprehension that they may be arrested in connection with this case.

7. On the other hand, learned A.P.P. for the State submits that, since the petitioners have claimed that they have cooperated with the investigation and had participated by putting appearance before the Investigating Officer after receipt of notice under Section 41 (I) Cr.P.C., they may surrender in the learned Court below and make a prayer for regular bail in the light of judgment of Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and Anr.**, reported in **(2022) 10 SCC 51**.

8. This Court has been further informed that the charge-sheet has been filed for the offences punishable under various provisions of the I.P.C. and the maximum sentence which may be imposed under Section 308 I.P.C. is seven years.

9. Having regard to the submissions noted hereinabove, this Court is of the considered opinion that the petitioners should surrender in the Court below within a period of four weeks from today and file an application seeking regular bail which will be considered on the same day by the learned Court below in the light of the judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil** and



appropriate order shall be passed accordingly. The learned Court below shall definitely consider that the petitioners claim to have participated in the course of the investigation throughout.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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