

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52467 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BARHARA District- Bhojpur

1. Harendra Yadav S/O -Mahesh Yadav R/O- Village Jabraji Tola, P.S Jagdishpur, Dist - Bhojpur
2. Rajesh Yadav S/O - Mahesh Yadav R/O- Village Jabraji Tola, P.S Jagdishpur, Dist - Bhojpur
3. Ramesh Yadav S/O Mahesh Yadav R/O- Village Jabraji Tola, P.S Jagdishpur, Dist - Bhojpur
4. Manoj Yadav S/O - Bishweshwar Yadav R/O- Village Jabraji Tola, P.S Jagdishpur, Dist - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Verma
For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-10-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 307, 379, 384, 504 and 506 of the Indian Penal Code & Section 27 of the Arms Act.
3. Learned counsel for the petitioners submits that petitioner no.1 and 2 have antecedent of two cases and petitioner no.3 and 4 have antecedent of four cases and the informant alleges that on 07.01.2024 he went on his land on



which Jitendra runs his brick kiln, when accused persons along with the petitioners came variously armed and thereafter Rakesh snatched the bag from Jitendra, which contained Rs.75,500/- for distributing to the labourer and ordered to kill Jitendra, on which, Deepak and Ramesh caught the informant, while Manoj assaulted him by an iron rod causing injury on head and when Hareram, Bharat, Raj Kishor and Jitendra tried to save the informant then Rakesh, Akhilesh and Harendra assaulted them by rod and lathi and thereafter all the accused persons pelted stones and demanded extortion of Rs.5 lacs and Vivek fired.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of assaulting the informant is against Manoj. It is next submitted that though the petitioner no.2 and petitioner no.1 along with Akhilesh are alleged to have assaulted Hareram, Bharat, Raj Kishor and Jitendra but then the allegation of assault is not specific rather is general and omnibus in nature. It is also submitted that even the injury suffered by the informant on account of assault by Manoj is simple and the blow was not repeated. It is next submitted that though Jitendra has not been made an accused in the instant case but then the dispute was in between the informant and Jitendra for the reason



that informant wanted his land back from Jitendra, on which, he was running his brick kiln. It is further submitted that no doubt the petitioners have antecedent but then in nature of allegation as alleged in the F.I.R. it would manifest that allegation against them is general and omnibus in nature. It is also submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Barhara (Khwaspur) P.S. Case No.14/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of Manoj Yadav shall verify the injury report of the informant and in the event if it is found that the informant



suffered grievous injury, in that event, the present anticipatory bail order shall not be given effect to in favour of Manoj Yadav but if the injury suffered by the informant is simple, then the bail bonds of Manoj Yadav shall be accepted forthwith.

8. It is also made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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