

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41484 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- BHAGWANPUR District- Begusarai

1. DINESH YADAV SON OF LATE MAHABIR YADAV RESIDENT OF MOHALLA WARD NO. 11, CHAKKAPAR, POLICE STATION-BACHHAWARA, DISTRICT- BEGUSARAI
2. RAJENDRA YADAV LATE MAHABIR YADAV RESIDENT OF MOHALLA WARD NO. 11, CHAKKAPAR, POLICE STATION-BACHHAWARA, DISTRICT- BEGUSARAI
3. MANISH YADAV SON OF PREM LAL YADAV RESIDENT OF MOHALLA WARD NO. 11, CHAKKAPAR, POLICE STATION-BACHHAWARA, DISTRICT- BEGUSARAI
4. MITHILESH YADAV @ MITHILESH KUMAR SON OF PREM LAL YADAV RESIDENT OF MOHALLA WARD NO. 11, CHAKKAPAR, POLICE STATION-BACHHAWARA, DISTRICT- BEGUSARAI
5. DHIRAJ YADAV SON OF DINESH YADAV RESIDENT OF MOHALLA WARD NO. 11, CHAKKAPAR, POLICE STATION-BACHHAWARA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-10-2024 Learned counsel for the petitioners submits that during course of pendency, the petitioner no. 1, Dinesh Yadav has been arrested, as such, he may be permitted to withdraw the anticipatory bail application so far as petitioner no. 1 is concerned.

2. Accordingly, the anticipatory bail application of petitioner no.1, Dinesh Yadav stands dismissed as withdrawn.



3. The petitioners are apprehending his arrest in connection with Bhagwanpur P.S. Case No. 104 of 2024 for the offence under Sections 341, 323, 307, 324, 379, 385, 504, 506 and 34 of the I.P.C. read with Sections 25(1-B)(a), 26, 27 and 37 of the Arms Act lodged on 19.04.2024 by the informant, Chandan Kumar Yadav.

4. As per the prosecution story, the informant alleged that after attending the community feast, there was some altercation with the accused persons and later on, they came to his house and allegation is of having opening fire against, Niraj Yadav. The informant anyhow saved himself. It is further alleged that Mithilesh Kumar (petitioner no.3, herein) and Subodh Ray gave Khanti blow, causing injury on the thigh and forehead and further allegation of snatching gold chain is there. Again, when his cousin brother came to the rescue, Prem Lal Yadav, Dinesh Yadav and Dhiraj Yadav (petitioner no.5) assaulted him by rod causing injury. As police came, the pistol was handed over and the injured taken to Sadar Hospital, Teghra, Begusarai. Accordingly, the F.I.R.

5. Learned counsel for the petitioners seeks apology for not incorporating in para-3 regarding criminal antecedent of the petitioners which has been brought on record by way of



supplementary affidavit. It is the contention that there is case and counter case which led to exaggerated FIR of assault on each and members of accused side, the injuries have been found to be simple in nature. It is further submitted that a similarly situated co-accused persons, namely, Niraj Yadav in Cr. Misc. No. 46083/2024 has been granted bail. The last submission is that without accepting the allegation and/or the outcome of the present petition, all the four petitioners intend to contribute towards the medical assistance of Rs. 25,000/- (Rs. 6,250/- by each of the petitioner) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned counsel for the informant, on the other hand, opposes the prayer submitting that all of the with common intention armed variously assaulted and one of the accused also opened fire which did not hit him.

7. In this case, the Co-ordinate Bench vide an order dated 09.07.2024 called for the case diary as also the injury report which are now on record. As per it, the contention of learned counsel for the petitioners is/are correct. Injuries on the persons of the informant's side have been found to be simple in



nature.

8. Taking into account the aforesaid facts as also that there is case and counter case, the FIR lodge, they will be ultimately be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail, subject to payment of Rs. 25,000/- (Rs. 6,250/- by each of the petitioner) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

9. Let all the four petitioners, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Shri Kundan Kumar Gupta, learned Judicial Magistrate 1st Class, Begusarai in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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