

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43064 of 2024

Arising Out of PS. Case No.-356 Year-2022 Thana- RAJNAGAR District- Madhubani

1. Maha Yadav @ Mahakant Yadav Son of Late Yadu Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani
2. Shyam Nandan Yadav @ Gurkun Yadav Son of Ram Sundar Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani
3. Reshma Devi Wife of Dev Sundar Yadav @ Khakhan Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani
4. Shila Devi Wife of Ram Sundar Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani
5. Bhawan Yadav Son of Late Kishori Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani
6. Kripal Yadav Son of Late Yadu Yadav Resident of village - Pilakhwar, P.S.- Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav Mr. Ravi Prakash Mr. Udeshya Kr. Yadav
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-08-2024 By order dated 02.08.2024, this application is dismissed as withdrawn with respect of petitioner no. 5.

2. Hence, this application is being heard only with respect of petitioners no. 1, 2, 3, 4 and 6.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148,



149, 341, 323, 324, 307, 353, 332, 333, 504 of the Indian Penal Code.

5. Allegedly, the petitioners and other co-accused persons assaulted the police force by means of several weapons. All the accused persons tried to capture them and also tried to snatch the arms of the police force.

6. Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners no. 1, 2, 3 and 4. He fairly submits that there is specific allegation against petitioner no. 6 of assaulting the police force by means of *bhala*. Petitioner no. 1 has one criminal antecedent and petitioners no. 2, 3, 4 and 6 have no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposed the prayer for anticipatory bail.

8. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against petitioners no. 1, 2, 3 and 4, let the above named petitioners no.1, 2, 3 and 4, be released on bail, in the event of their arrest



or surrender before the learned Court below within a period of six weeks from today, 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 the learned Court below where the case is pending/successor Court in connection with Rajnagar P.S. Case No. 356 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Considering the facts and circumstances of case and the fact that specific overt act has been attributed against petitioner no. 6, I am not inclined to enlarge petitioner no.6 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 6 is hereby rejected.

10. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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