

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45496 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- BHAGWANPUR District- Begusarai

1. Tribhuwan Yadav Son Of Lalo Yadav @ Lal Babu Yadav Resident Of Village - Chakkapur, P.S. - Bhagwanpur, District - Begusarai
2. Pappu Yadav @ Pappu Kumar @ Pappu Kumar Yadav Son Of Gopal Yadav Resident Of Village - Chakkapur, P.S. - Bhagwanpur, District - Begusarai
3. Ashok Yadav Son Of Laddu Yadav @ Laddu Lal Yadav Resident Of Village - Chakkapur, P.S. - Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bhagwanpur P.S. Case No. 103 of 2024 dated 19.04.2024 instituted for the offence punishable under Section 341, 323, 307, 385, 379, 427, 504, 506/34 the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, when the informant was returning after attending a feast in village, the co-accused, namely, Chandan Yadav pointed a pistol on the informant and threatened him to kill. Thereafter, Chandan Yadav fired on the informant by pistol, but he escaped narrowly. It is alleged that the petitioners along with other



accused persons assaulted the informant, damaged his motorcycle and demanded extortion of Rs. 50,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation of assault against the petitioners, rather the allegation against the petitioners are general and omnibus. Both the sides are agnates. There is a case and counter case between the parties. The counter case bearing Bhagwanpur P.S. Case No. 104 of 2024 has been lodged by co-accused Chandan Kumar Yadav under Section 307 and other allied sections of the Indian Penal Code against the informant and others. Learned counsel for the petitioners further submits that no injury report is available on record. There is no allegation of extortion of money against the petitioners, and as such, Section 385 of the Indian Penal Code is not made out against the petitioners. Lastly, it has been submitted that petitioner no. 1 has two criminal cases against him while petitioner nos. 2 & 3 have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six



weeks from today, in connection with Bhagwanpur P.S. Case No. 103 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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