

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55071 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- Hathiyav District- Sheikhpura

Preman Yadav @ Preman Gop Son of Late Dangal Yadav @ Mangal Gop
Resident of Vill- Sarika, P.S.- Hathiyawa @ Hathiyawan, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate with Mr. Roop Kishan, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh Mr. Rajnish Kumar Mr. Sheo Nandan Prasad, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-09-2024 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

2. The petitioner apprehends arrest in connection with

Hathiyawa PS Case No. 01 of 2024 dated 27-02-2024 instituted

for the offence punishable under Sections 147,149,341,323,307,

379, 504 and 506 of the Indian Penal Code.

3. The case of prosecution, in short, is that all the FIR

named accused persons, including the petitioner assaulted the

informant and his brother by means of iron rod causing head

injury and snatched Rs. 4 lakh.

4. Learned senior counsel for the petitioner submits



that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is specific allegation against the petitioner of assaulting the informant and his brother on their head by means of iron rod, but the injury report of informant and his brother reveals that both injured received injury and the doctor has opined the injury to be simple in nature. It is submitted that there is case and counter case between the parties. The present case is counter blast of Hathiyawan PS Case No. 02 of 2024 registered under Sections 147,148,149,341,323, 337, 307, 504 and 506 of the I.P.C. lodged by co-accused Santosh Kumar on 27-02-2024 against the informant and his relatives. It is submitted that from bare perusal of the FIR, it is apparent that there is no allegation of repetition of assault by the petitioner. Hence, Section 307 of the IPC is not made out against the petitioner. It is also submitted that petitioner and his family members also sustained injuries. Also, other co-accused, namely Santosh Yadav @ Santosh Kumar, Gurudev Yadav and Hareram Yadav have already been granted the privilege of anticipatory bail by this Court *vide* order dated 10-07-2024 passed in Cr. Misc. No. 43113 of 2024. Lastly, it has been submitted that petitioner has one criminal case against him.



5. Learned counsel for the informant and learned APP have opposed the prayer for anticipatory bail. It is submitted that there is direct allegation against the petitioner of assaulting both the injured persons.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Sheikhpura, in Hathiyawa PS Case No. 01 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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