

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50417 of 2024

Arising Out of PS. Case No.-519 Year-2022 Thana- NARPATGANJ District- Araria

Priyadarshi Anand son of Baijnath Yadav Resident of Village - Nathpur,
W.No-5, PS- Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Narpatganj P.S. Case No. 519 of 2022 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 and 34 of the I.P.C. lodged on 22.11.2022 by the informant, Ramnarayan Yadav.

3. The prosecution story, in brief, is that on 22.11.2022, the informant got information about cutting of trees on their land, the informant along with his son, Rakesh Kumar Yadav and Bikash Kumar came on the place of occurrence and protested with the petitioners and other co- accused for cutting the tree. Infuriated by that, on the order of Keshwar Yadav, Sanjay Yadav, Santosh Yadav and Rajeev Yadav assaulted the informant's son Rakesh Yadav and Bikash Kumar by giving of



'Farsa' blow causing injuries and both fell down. Later, other accused persons assaulted them by lathi blow. It was further alleged that the accused persons also committed theft by taking away Rs. 5 lacs from another son Ranjan Kumar, who had come on the spot on hearing hulla. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there is case and counter case and allegation had come against Santosh Yadav and Rajeev Radav and as they earlier moved this Court in Cr. Misc. No. 1800 of 2023, it was allowed on 25.05.2023 as at that time the injured was alive, he submits that later he succumb to injuries on 24.12.2023, after which Section 302 of the Indian Penal Code has been added.

5. Learned counsel next submits that, earlier the the police had submitted final for against them but after the death of the victim in December 2023, supplementary charge sheet has been submitted against them necessitating this petition.

6. Learned APP opposes the prayer submitting that subsequently, the victim died though after one year.

7. Considering the aforesaid facts as also that the victim finally died one year and half years later, direct role has not been assigned to this petitioner, omnibus allegation is there and he do not have criminal antecedent, this Court is inclined to



extend him the privilege of anticipatory bail.

8. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 519 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with following conditions:-

(i) one of the bailor 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 petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(Rajiv Roy, J)

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