

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58753 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- RAJAOLI District- Nawada

Surajbhan Yadav @ Bhan Son of Pradip Yadav @ Pradip Prasad Yadav
Resident Of Village -Upartanda, Police Station- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rajauli P. S. Case No. 257 of 2024 dated 29-05-2024 instituted
for the offence punishable under Sections 147,148,149,341,
342,323, 307 and 384 of the Indian Penal Code.

3. The prosecution case in short is that on 29.05.2024
informant and his co-villager went to *Chitrakala* studio for
collecting the photographs of *shradh* ceremony of his
grandfather. In the meantime, nine FIR named accused persons
including the petitioner and ten unknown persons came and
abducted the informant and took him away near the *Ambedkar*
Chhatrawas and all started assaulting him. It is alleged that
petitioner gave repeated blow on his head by means of an iron



rod and other persons also assaulted him by iron shocker, *lathi* and other weapons on his entire body. Thereafter, they threw him on the bank of river. It is alleged that petitioner called his co-villager, namely, Rupesh Kumar and told about the occurrence. Thereafter, Rupesh Kumar came and got him admitted in Sub Divisional Hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that FIR has been registered against nine named persons, including the petitioner and 10 unknown persons. It is next submitted that this is a case of mob lynching. In fact, the informant and his friend were teasing the girls going to school and also misbehaving with them. Thereafter, looking such activity, several local persons gathered there, apprehended them and some of the local people also assaulted them, in which, informant has received some superficial injuries. It is submitted that so far allegation of assault attributed against the petitioner is concerned, it is submitted that only one lacerated wound has been found on the left parietal region of the informant, which is simple in nature. The seized motorcycle against which it is alleged to have been used in the present occurrence, does not belong to the petitioner, rather the same is



registered in the name of one Sangita Devi wife of Mahesh Prasad R/o village Sarmaipur, P. S. Rajauli, District Nawada. Lastly, it has been submitted that petitioner has four criminal case against him.

5. Learned APP has opposed the prayer for anticipatory bail.

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 ACJM -1st Nawada, in Rajauli P. S. Case No. 257 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if



the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

