

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63108 of 2024

Arising Out of PS. Case No.-673 Year-2024 Thana- NAWADA District- Nawada

1. Sadhu Yadav @ Rakesh Kumar S/O Nako Yadav @ Mithlesh Yadav Resident of Mohalla- Gopal Nagar, P.S- Town Thana, District- Nawada- 805110.
 2. Nako Yadav @ Mithlesh Yadav S/O Bisho Yadav R/O Mohalla- Gopal Nagar, P.S- Town Thana, District.- Nawada- 805110.
 3. Karu Yadav @ Ajay Yadav @ Ajay Kumar S/O Haro Yadav @ Dhara Yadav R/O Village- Onda, P.O- Onda, P.S- Sare, District.- Nalanda- 803107, at present residing at Mohalla- Ramnagar, P.S- Town Thana, District.- Nawada.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Muskan Singh, Advocate Ms. Vijaya Laxmi Srivastawa, Advocate Mr. Kumar Rupesh, Advocate
For the Opposite Party/s :		Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-09-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Nawada P.S. Case no. 673 of 2024 registered under sections 307, 341, 323, 427 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the five named accused persons including the petitioner nos. 1 and 2 came variously armed. As a result of assault by Pankaj Yadav, the informant sustained serious injuries on his head. He was treated in the P.M.C.H. and after his treatment ended, he returned and lodged this case.



4. At the outset, learned counsel for the petitioners submits that the petitioner no.3 Karu Yadav @ Ajay Yadav @ Ajay Kumar having been arrested during pendency of this application, she seeks permission to withdraw this application so far as he is concerned.

5. In view of the above, the application for anticipatory bail of the petitioner no.3, namely, Karu Yadav @ Ajay Yadav @ Ajay Kumar stands dismissed as withdrawn.

6. Learned counsel for the petitioner nos. 1 and 2 submits that the petitioners have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. Even as per the F.I.R., the allegation of assault is on Pankaj Yadav and not on the two petitioners herein. It is further submitted that while the occurrence is said to have taken place on 11.6.2024, the F.I.R. was registered on 19.6.2024 with no reasonable explanation for the delay. So far as the explanation furnished by the informant is concerned, it is submitted by learned counsel for the petitioners that the F.I.R. could have been lodged in the P.M.C.H. itself.

7. The application for anticipatory bail is opposed by learned A.P.P. for the State.

8. Having heard learned counsel for the parties and



taking into consideration the allegations in the F.I.R., specific allegation not being against the petitioners but against co-accused Pankaj Yadav as also the delay in lodging of the F.I.R. and the petitioners not having any criminal antecedent, it is directed that both the petitioner no. 1 Sadhu Yadav and petitioner no.2 Nako Yadav, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Nawada P.S. Case no. 673 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada.

(Partha Sarthy, J)

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