

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63965 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- ALOULI District- Khagaria

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1. Kuldeep @ Kuldeep Yadav Son of Sagar Yadav Resident of Village- Chikni, P.S.- Alouli, District- Khagaria
 2. Wakil Yadav Son of Fulo Yadav Resident of Village- Chikni, P.S.- Alouli, District- Khagaria
 3. Laxman Yadav Son of Kuldeep Yadav Resident of Village- Chikni, P.S.- Alouli, District- Khagaria
 4. Sanjay Yadav Son of Sagar Yadav Resident of Village- Chikni, P.S.- Alouli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Hemant Ray, Adv.
		Mr. Sharad Kumar Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-12-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2 Wakil Yadav.
3. Permission is accorded.
4. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 341, 323, 307, 385, 325, 354, 379, 504, 506 of the Indian Penal



Code.

5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on account of dispute relating to land, Sanjay assaulted his Bhabhi Draupati by an iron rod, causing injury on head, further Puja and Chandni assaulted his brother Nandlal by lathi causing injury, thereafter Kuldeep assaulted his son Akhilesh by lathi causing fracture of hand, it is next alleged that Wakil assaulted Lakhan by rod causing injury on nose, further Ram Kumar assaulted Bharat by lathi causing fracture of left hand and Sushila snatched chain of Draupati and thereafter Kuldeep bite him on his neck, further the accused had earlier demanded extortion of Rs.2 lacs.

6. Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence for the reason that it does not appear probable that the informant with such precision would have alleged who assaulted whom and by what. It is next submitted that admittedly on account of dispute relating to land the alleged occurrence is said to have taken place and as such in order to give seriousness to the case it is also alleged that extortion was demanded, which further



demonstrates that the informant somehow intends to implicate the petitioners along with their entire family members in the case.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners.

8. The learned counsel appearing on behalf of the informant submits that process under Section 82 Cr.P.C. has been issued, on which, the learned counsel appearing on behalf of the petitioners submits that no doubt the process under section 82 Cr.P.C. has been issued but the same was issued in the month of November, 2024 and the instant anticipatory bail application was filed in the month of August, 2024 and it remained pending for adjudication, as such, the petitioners in accordance with law were availing their remedy but for the delay caused, in getting the matter adjudicated before this Court, the police sought process under section 82 Cr.P.C.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Alouli P.S. Case No.139/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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