

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65339 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- NEMDARGANJ District- Nawada

1. Naresh Yadav S/O Late Prameshwar Yadav R/O Village- Harivansh Bigha, P.S- Namdarganj, Distt.- Nawada.
2. Kaila Yadav @ Ajay Yadav @ Ajay Kumar @ Kaila S/O Sohar Yadav R/O Village- Harivansh Bigha, P.S- Namdarganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-10-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners, after arguing vehemently for some time realising his difficulty, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 1, Naresh Yadav.
3. Permission is accorded.
4. Accordingly, the present anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 1.
5. The petitioner No. 2 apprehend his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 427, 504, 506 and 109 of the Indian Penal Code and Section 3 of Prevention of Damages of Public Property



Act, 1984.

6. Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that he received an information that some people of village Harivansh Bigha were assaulting people of village Sanokhda, accordingly he reached the place of occurrence and saw people of Harivansh Bigha abusing Shankar and Manoj, thereafter the matter was pacified and Manoj along with Shankar were sent to their home. Thereafter, the informant tried to pacify the aggressive people of Harivansh Bigha, when Ajay assaulted Constable Niranjan with an iron pipe causing injury on head, thereafter Naresh assaulted Constable Ajit Kumar Paswan by lathi causing injury and when police tried to take Niranjan to hospital, all the named accused persons including the petitioners pelted stones and damaged the police vehicle on account of which Constable Raj Kumar suffered injuries, further police retaliated in which Ajay was also injured who was also treated at health centre along with injured Constable.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that allegation of assault is general and omnibus in nature. It is further submitted that since petitioner resides nearby to the place of occurrence, as such, he came at the place of occurrence on hearing that a ruckus is being created by



people of Harivansh Bigha. It is next submitted that since petitioner was present at the place of occurrence, as he resides nearby to the place of occurrence, as such, he came to be implicated without any specific allegation.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner No. 2, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nemdarganj P.S. Case No. 175 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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