

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67609 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- BHAPTIAHI District- Supaul

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1. Manish Kumar @ Manish Yadav S/o- Hari Nandan Yadav Vill- Chand Pipar PS-Bhaptiyahi Dist- Supaul
 2. Neeraj Yadav @ Neeraj Kumar Son of Hari Nandan Yadav Vill- Chand Pipar PS-Bhaptiyahi Dist- Supaul
 3. Laltu Mukhiya @ Laltu Kumar Mukhiya @ Liltu Kumar Mukhiya Son of Mahendra Mukhiya Village- Saraigadh Ps- Bhaptiyathi Dist- Supaul
 4. Laltu Yadav @ Brajesh yadav @ Laltu Kumar Brajesh Son of Surendra Yadav Village- Mehasimar Ps- Kishanpur Dist- Supaul
 5. Rahul Yadav @ Rahul Kumar Son of Bhupendra @ Bhupa Yadav Village- Mehasimar Ps- Kishanpur Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Bhaptiyahi P.S. Case No. 92 of 2024 for the offence registered under sections 147, 148, 149, 341, 323, 307, 379, 427, 504, 506 of the IPC and 27 of the Arms Act lodged on 15.04.2024 by the informant Sadanand Yadav.

3. As per the prosecution story, the informant alleged that when he was returning home on the motorcycle, the accused persons assembled and brutally assaulted him.



Allegation is that:

- (i) Neeraj Yadav – snatched the key of the motorcycle;*
- (ii) Suryanarayan Yadav- assaulted on the head of the informant;*
- (iii) Manish Yadav- gave iron rod blow on his body;*
- (iv) Arjun Yadav- assaulted on eyes;*
- (v) Laltu Mukhiya- snatched cash of Rs. 5,000/- and also snatched the mobile phone and threw it in the pond;*
- (vi) Ankit Choudhary- tried to strangulate him by putting a towel around his neck;*
- (vii) Rahul Yadav- damaged the motorcycle.*

4. This led to the FIR.

5. Learned Counsel for the petitioners submit that there is enmity between the parties and that is the reason everyone has been implicated, the FIR seems to be exaggerated. Further, allegation of throwing the mobile is on Laltu Mukhiya while damaging the motorcycle is on Rahul Yadav and without accepting the allegation and/or the outcome of the present petition both Laltu Mukhiya and Rahul Yadav intends to pay Rs. 15,000/- each to the informant through Demand Draft issued by the local State Bank of India branch.

6. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail submitting that so far as Manish Kumar is concerned, he has given iron rod blow on the body of the informant. Further, allegation of assault/snatching of mobile/cash/damaging the motorcycle is/are also against the other accused persons.

7. Considering the submissions put forward by the parties, so far as the case of petitioner no. 1, Manish Kumar is concerned, his anticipatory bail application stands rejected.

8. So far as the petitioner nos. 2 to 5, namely, Neeraj Yadav, Laltu Mukhiya, Laltu Yadav, Rahul Yadav are concerned, the same taking into account that omnibus allegation is there, no specific role has been assigned, throwing of mobile/damaging the motorcycle/snatching of the amount is/are there, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 15,000/- each (totaling Rs. 30,000/-) by the petitioners nos. 3 and 5, namely, Laltu Mukhiya and Rahul Yadav to the informant, Sadanand Yadav as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court and handed over to the informant after checking his credentials.

9. Let the petitioners in the event of arrest or



surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No. 92 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners (Neeraj Yadav, Laltu Mukhiya, Laltu Yadav, Rahul Yadav) who shall provide official document to show his *bona fide*;

(ii) the petitioners (Neeraj Yadav, Laltu Mukhiya, Laltu Yadav, Rahul Yadav) 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 petitioners (Neeraj Yadav, Laltu Mukhiya, Laltu Yadav, Rahul Yadav) shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioners (Neeraj Yadav, Laltu Mukhiya, Laltu Yadav, Rahul Yadav) 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 petitioners (Neeraj Yadav, Laltu Mukhiya,
Laltu Yadav, Rahul Yadav) shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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