

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72699 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Deepak Yadav @ Deepak Kumar Yadav Son of Ram Bihari Yadav Resident of Village - Dhanchapra, P.S. - Brahampur, District - Buxar
 2. Ram Bihari Yadav Son of Late Hari Kishun Yadav Resident of Village - Dhanchapra, P.S. - Brahampur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ojaswee Kumari
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Brahampur P.S Case No. 181 of 2024 dated 09.04.2024 registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 325, 380, 452, 504, 307 of the Indian Penal Code.

3. As per the prosecution case, when the informant's grand-son, Raushan Yadav was sitting at his door then Deepak Yadav (Petitioner No. 1) came and started abusing him then the informant's son Satyendra Yadav reached there and try to pacify the matter but Deepak Yadav (Petitioner No. 1) and Raju Yadav



assaulted on his head with danda causing head injury. When the informant's second son Bahadur Yadav came to rescue, he was assaulted by the co-accused Shiv Bihari Yadav with lathi on his head causing injury. When the informant's grand daughter came to rescue him then the co-accused Jitendra Yadav assaulted her with danda and his brother, Pawan Kumar tried to take away her, in the meantime, the co-accused Mutun Yadav and Ram Lal Yadav armed with Bhala and Barchi started assaulting him causing head injury and he became unconscious. It is further alleged that the informant's another son, Mahendra Yadav came to save them, the co-accused Mukesh Yadav assaulted him with rod due to which he sustained head injury. It is further alleged that the co-accused Shiv Bihari Yadav, Ram Bihari Yadav (Petitioner No. 2), Deepak Yadav (Petitioner No. 1) and Raju Yadav entered the informant's house and took Rs. 20,000/- from the pocket of the informant and also assaulted him and his family members due to which they sustained injuries. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that there is a case and counter case between the parties and the petitioner side also



lodged a F.I.R. bearing Brahampur P.S. Case No. 182 of 2024 against the informant. The injury has been sustained by both side of the parties. The allegation of snatching against the petitioner is ornamental. As per the injury report of the informant's son Bahadur Yadav (Annexure-5) who sustained two injuries, the injury no. 1 is simple in nature and the injury no. 2 is stated to be grievous in nature and both injuries are on non vital part of the body. Sonam Kumari sustained two injuries. The opinion regarding injury no. 1 is kept reserved and the injury no. 2 is simple in nature. The injured Pawan Kumar also sustained injury simple in nature. Similar situated co-accused person has already been granted regular bail vide order dated 12.08.2024 passed in Cr. Misc. No. 51194 of 2024. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Brahampur P.S Case No. 181 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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