

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77077 of 2023

Arising Out of PS. Case No.-97 Year-2006 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Bhola Yadav, aged about 55 years (Male), Son of Late Yogi Yadav, R/O Village Rampur, P.S. Warisaliganj, District Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anil Yadav, Son of Late Rup Lal Yadav, R/O Village-Rampur, P.S. Warisaliganj, District Nawada.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Pramod Kumar Verma, Advocate
For the State	:	Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 97 of 2006 dated 15.02.2006 registered for the offences punishable under Sections 323, 380 and 452 of the I.P.C.

3. As per the prosecution case, the petitioner and other accused persons are alleged to have entered the house of the informant and assaulted him with the butt of the pistol and lathi. It is further alleged that the co-accused Shanti Devi and Lalo Devi thrashed the informant's wife on the ground and the co-accused Awadhesh Yadav and Bali Yadav snatched her



ornaments worth Rs. 12,000. The co-accused Bhola Yadav and Kumar Yadav also took cash of Rs. 15,000/- from the box, clothes and utensils worth Rs. 5,000/-. The co-accused Bali Yadav also tried to establish physical relationship with the informant's wife and tore her blouse and saree. Anyhow, she saved herself. Thereafter, the co-accused Bali Yadav fired and fled away from the place of occurrence. Thereafter, on the sound of firing, the villagers came and identified the co-accused Bali Yadav and other co-accused with articles in the torch light while they were fleeing away from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both parties are own Gotias and land dispute is going on between them. It is submitted that in this case, cognizance was taken on 30.06.2006 by the learned court below but the petitioner was living outside of the State of Bihar for earning his livelihood with his family and when he returned after a long time, he learnt about the present case. It is further submitted that the petitioner is sole bread earner of his family. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner by submitting that the proceeding under Sections 82 and 83 of Cr.P.C. was initiated against the petitioner. The instant anticipatory bail petition is not maintainable.

6. Considering the aforesaid facts and circumstances of the case, the anticipatory bail petition is not maintainable. Accordingly, the instant anticipatory bail petition is disposed of and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below will consider the prayer for regular bail of the petitioner on the same day without being prejudiced of the order of this Court in connection with Complaint Case No. 97 of 2006, pending in the court of learned J.M. Ist Class, Nawada.

7. Accordingly, the anticipatory bail application of the petitioner stands disposed of.

(Chandra Prakash Singh, J)

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