

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77060 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- PARBATTa District- Khagaria

1. Abhishek Yadav S/O Kopa Yadav @ Bhaskar Yadav R/O Village- Muradpur, P.S- Parbatta, Distt.- Khagaria.
2. Diwesh Yadav S/O Kopa Yadav @ Bhaskar Yadav R/O Village- Muradpur, P.S- Parbatta, Distt.- Khagaria.
3. Guddu Yadav S/O Kopa Yadav @ Bhaskar Yadav R/O Village- Muradpur, P.S- Parbatta, Distt.- Khagaria.
4. Dharendra Yadav S/O Kopa Yadav @ Bhaskar Yadav R/O Village- Muradpur, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP
For the Informant/s	:	Mr. Salindra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Parbatta P.S. Case No. 319 of 2023, G.R. No. 2303 dated 12.07.2023 registered for the offences punishable under Sections 341, 323, 307, 354A and 504 read with 34 of the Indian Penal Code.



4. As per the prosecution case, when the informant was going with his wife and on the way all the petitioners armed with iron rod surrounded them. They abused and dragged them from the motorcycle, assaulted them and outraged the modesty of his wife. In the meantime, the petitioner no. 2 assaulted the informant with the butt of *katta* below his eyes and the petitioner no. 3 assaulted him with an iron rod on his head.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 1 is accused in two other criminal case, the petitioner No. 2 is accused in one more criminal case whereas the petitioner No. 3 and 4 have clean antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that the informant has received injury but the opinion is kept reserved and there is no repetition of blow, hence no case u/s 307 of the IPC is made out against the petitioners. The impugned order dated 16.09.2023 does not indicate the nature of injures.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners by submitting that the specific allegation of assaulted is against the petitioners Diwesh Yadav and Guddu.



7. 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, Khagaria in connection with Parbatta P.S. Case No. 319 of 2023, G.R. No. 2303, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner are 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 bonds of the petitioner are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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