

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79188 of 2023

Arising Out of PS. Case No.-99 Year-2019 Thana- BODHGAYA District- Gaya

1. Gopal Yadav Son Of Late Jaku Yadav R/O Village- Baiju Bigha, P.S.- Bodh Gaya, Dist.- Gaya
2. Ganesh Yadav @ Ganesh Kumar Son Of Gopal Yadav R/O Village- Baiju Bigha, P.S.- Bodh Gaya, Dist.- Gaya
3. Ranjan Yadav @ Ranjan Kumar Son Of Gopal Yadav R/O Village- Baiju Bigha, P.S.- Bodh Gaya, Dist.- Gaya
4. Amit Yadav @ Amit Kumar Son of Gopal Yadav R/O Village- Baiju Bigha, P.S.- Bodh Gaya, Dist.- Gaya
5. Jagdeo Yadav Son Of Late Jaku Yadav R/O Village- Baiju Bigha, P.S.- Bodh Gaya, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-01-2024 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 Bodh Gaya P.S Case No. 99 of 2019 dated 12.03.2019 registered for the offence punishable u/ss 341,



323, 354, 379, 504 read with 34 of the Indian Penal Code.

4. As per the prosecution case, on 12.03.2019 when the informant was at her house, the accused persons including the petitioners came and started firing but the informant and her family members hid themselves in the house due to fear. Thereafter, the petitioner no.2 Ganesh Yadav broke the door of her house and started assaulting the informant. It is further alleged that other accused persons also entered the house and started assaulting her. When Surendra Yadav came to save her then they also assaulted him and broke his hand. When other family members came there then the petitioners also started abusing and assaulting them. The co-accused Pravin started firing and ran away and the petitioner no. 3 Ranjan Yadav with bad intention tore the informant's saree and blouse and stole Rs. 3,700/- from the pocket of his husband Balchand Yadav. The petitioner no.5 Jagdeo Yadav snatched golden *mangalsutra* and chain from informant's neck and also threatened them.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that there is no specific



allegation of assault against any of the petitioners rather there is general and omnibus allegations against the petitioners. Learned counsel has further submitted that both the parties are agnates and there is family dispute between them. No case u/s 354 of the I.P.C is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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

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, Gaya in connection with Bodh Gaya P.S Case No. 99 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:

(i). The petitioners 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 bond of the petitioners is liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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