

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85589 of 2023

Arising Out of PS. Case No.-822 Year-2023 Thana- BIHTA District- Patna

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1. Tapeswar Yadav @ Tapeswar Rai Son of Late Chapetan Yadav @ Chapetan Rai R/o Village- Amwa Inar, Kab, P.S.- Rani Talab, Dsit.- Patna.
 2. Baban Yadav Son of Basu Yadav R/o Village- Konitola, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-04-2024 Heard Mr. Awadhesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Suresh Prasad Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Bihta P.S. Case No.822 of 2023 registered under Sections 341, 342, 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, five named accused including the petitioners, with an intention to kill the informant had assaulted the informant. Specific allegation of assault on the head of the informant is against co-accused Bishwanath Yadav.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they



have falsely been implicated in the present case. The allegation levelled against them is general and omnibus. There is case and counter case between the parties. Any injury, which has been sustained on the body of the informant or other victims, is not intentional and may have been caused in self-defence. The petitioners have got clean antecedent. On these grounds, the petitioners seek to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the allegation levelled against the petitioners is general and omnibus, the petitioners, above named, are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur in connection with Bihta P.S. Case No.822 of 2023, subject to the condition as laid down under Section 438(2) Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners



are involved in some other cases as what has been stated in
Para-3 of the bail petition, this order will automatically lose its
force.

(Purnendu Singh, J.)

Mantreshwar/-
Ashishsingh/-

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