

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85906 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Dilchand Yadav @ Dilchand Kumar S/o- Kailu Yadav @ Kaila Yadav
Resident of Village - Bisar, P.S.- Mufassil, District - Gaya.
2. Jagbindu Yadav @ Jadvendu Yadav S/o- Kailu yadav @ Kaila yadav
Resident of Village - Bisar, P.S.- Mufassil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 336 of 2022, registered on 21.05.2022, for the alleged offence under Sections 147, 341, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, the petitioners and 15 other co-accused persons, who were variously armed, tried to forcibly kidnap the informant and their attempt was frustrated by the son of the informant with the help of co-villagers. Later on, the son of the informant was brutally assaulted by the petitioners and other co-accused persons, causing a number of injuries to him. The co-



accused persons also snatched Rs. 10,000/- cash and a gold chain from the son of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have been made accused along with a number of persons, but there is no allegation of any specific over act against the petitioners. A number of co-accused persons having similar allegation have been granted anticipatory bail different Co-ordinate Benches of this Court vide order dated 22.05.2023 passed in Criminal Misc. No. 13373 of 2023 and order dated 07.11.2023 passed in Criminal Misc. No. 71403 of 2023, respectively. The prosecution story is itself not believable that the son of informant was assaulted next day by a large number of people and still he survived. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioners with possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Gaya in connection with Mufassil P.S. Case No. 336 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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