

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2731 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- RASULPUR District- Saran

1. Narendra Yadav S/O Sundar Yadav R/O Village- Asahani, PS- Rasulpur, District- Saran
2. Dharmnath Yadav S/O Sundar Yadav R/O Village- Asahani, PS- Rasulpur, District- Saran
3. Jitan Yadav S/O Late Jaga Yadav R/O Village- Asahani, PS- Rasulpur, District- Saran
4. Mithilesh Yadav S/O Late Surendra Yadav R/O Village- Asahani, PS- Rasulpur, District- Saran
5. Om Prakash Yadav S/O Jitan Yadav R/O Village- Asahani, PS- Rasulpur, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv.
		Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s :		Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2025 At the outset, learned counsel for the petitioners submits that during pendency of this bail petition, petitioner no. 3 namely Jitan Yadav has been arrested and as such, this petition has become infructuous so far as petitioner no. 3 is concerned.

2. The anticipatory bail petition stands dismissed, so far as petitioner no. 3 is concerned.

3. The petitioners (i.e. petitioner nos. 1, 2, 4 & 5) apprehend their arrest in a case registered for the offence under Sections 109(1), 109(2), 115(2), 126(2), 352, 351(2), 3(5) of the B.N.S., 2023.



4. As per F.I.R., on 12.9.2024 at about 7.30 O'clock in morning, the informant and others were going for their milk trade, on the way, all the accused persons including petitioners, armed with daab, iron rod and Khanti, surrounded them and on the order of co-accused Sunil Yadav, petitioner no. 5 (Om Prakash Yadav) assaulted with *daab* on the head of Pappu Yadav, petitioner no. 1 (Narendra Yadav) assaulted with rod on the head of Pankaj Yadav, petitioner no. 2 (Dharamnath Yadav) assaulted with iron rod on the head of Chhotan Yadav, petitioner no. 4 (Mithilesh Yadav) assaulted with rod on the head of Pintu Yadav.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case in order to save their skin from Rasulpur P.S. Case No. 180 of 2024, which was registered on the fardbeyan of petitioner no. 5 on 12.09.2024 in Sadar Hospital Chapra against the informant and others. The case, lodged by petitioner no. 5, is earlier in point of time. Allegation is general and omnibus. Injuries, allegedly caused by petitioner no. 1, 2 & 4, are simple in nature.

6. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the injury, caused by petitioner no. 5, is grievous in nature.



7. Considering the nature of injury, the prayer for anticipatory bail of petitioner no. 5 (Om Prakash Yadav) is rejected.

8. However, since injury caused by petitioner nos. 1, 2 & 4 are simple in nature, in the event of their arrest/surrender within a period of eight weeks from today, let the petitioner nos. 1, 2 and 4, as named above, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Rasulpur P.S. Case No. 179 of 2024, subject to condition as laid down under Section 482 of the B.N.S.S., 2023.

9. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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