

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34598 of 2025

Arising Out of PS. Case No.-299 Year-2024 Thana- FATEHPUR District- Gaya

Rakesh Kumar @ Rakesh Yadav Son of Rajendra Prasad Yadav @ Rajendra
Yadav Resident of village- Chhotaki Kuhari, PS -Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 299 of 2024 registered for the offences punishable under Sections 354(B), 147, 148, 149, 341, 323, 325, 307 and 379 of the Indian Penal Code.

3. As per prosecution case, petitioner alongwith others armed with lathi, farsa and iron *sabal* assaulted informant's family members as a result of which informant's family members sustained severe injuries. It is alleged that the aforesaid persons snatched gold and silver ornaments worth Rs. 3,00,000/- from the family members of the informant.



4. Learned counsel for the petitioner submits that dispute between the parties had taken place on the issue of outraging the modesty of petitioner's sister-in-law for which FIR bearing Fatehpur P.S. Case No. 300 of 2024 has been registered and the present case i.e. Fatehpur P.S. Case No. 299 of 2024 has been lodged by the informant on the same date of occurrence just to save his skin from the case filed by the petitioner's sister-in-law. There is case and counter case between the parties on the same date of occurrence and both parties have sustained injuries as evident from Annexure 3 (injury report of informant's side) and Annexure 4 (injury report of petitioner's side) of the bail petition. He further submits that no specific allegation of assault has been attributed against the petitioner. He further submits that injury report of family members of informant indicates that all the injuries are simple in nature except the injury sustained by informant's father, namely, Saryu Prasad Yadav, as contained in Annexure 3 of the bail petition. He further submits that co-accused Rajesh Kumar and Aklesh Kumar @ Akhilesh Yadav have already been granted anticipatory bail the Co-ordinate Bench of this Court vide Cr. Misc. No. 6892 of 2025 and on the principle of parity, petitioner also deserves bail. Petitioner



is innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is one of the FIR named accused persons and he is said to have participated in the alleged occurrence and petitioner cannot escape from the liability of the allegation made in the FIR, so far as the injury reports of family members of informant are concerned. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, no specific allegation of assault has been attributed against the petitioner, co-accused have already been granted anticipatory bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate – X, Gaya in connection with Fatehpur
P.S. Case No. 299 of 2024, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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