

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29078 of 2025

Arising Out of PS. Case No.-222 Year-2023 Thana- BARACHATTI District- Gaya

1. Surendra Yadav @ Surendra Kumar, Son of Nirmal Yadav, Resident of Village -Raundwa, P.S.- Mohanpur, Dist- Gaya
2. Vijay Yadav, son of Nanhku Yadav, Resident of village- Salaiya, P.S.- Mohanpur, Dist- Gaya
3. Preman Yadav @ Prem Yadav, son of Ram Jatan Yadav, Resident of Village- Nimiyatand, P.S.- Barachatti, Dist- Gaya
4. Upendra Kumar @ Upendra Yadav, son of Ramjatan Yadav @ Ram Bhojan Yadav, Resident of Village- Nimiyatand, P.S.- Barachatti, Dist- Gaya
5. Mahendra Yadav @ Mahendra Kumar, son of Ram Jatan Yadav, Resident of Village- Nimiyatand, P.S.- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. After some argument, taking note of the accusation levelled against petitioner no.1, learned Advocate for the petitioners seeks permission to withdraw the present bail application on behalf of **petitioner no.1, namely, Surendra Yadav @ Surendra Kumar.**

3. Permission is accorded.

4. The petitioner nos. 2 to 5 are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No.



222 of 2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506/34 of the Indian Penal Code.

5. While the informant was coming to his house, in the meanwhile, all the F.I.R. named accused persons along with some unknown persons came there and surrounded him. It is further alleged that Surendra Yadav (petitioner no.1) assaulted him by means of Iron rod over his head, due to which he sustained serious head injury and he also snatched Rs.45,000/-, Golden ring and chain from the informant. It is further alleged that Rakesh Kumar Santoshi and Ranjan Kumar, who were also accompanying the informant, they have also been assaulted by the accused persons.

6. Learned Advocate for the petitioners contended that there is omnibus nature of allegation against all the F.I.R. named accused persons. So far the injury sustained over the head of the informant is concerned, the same has been attributed against petitioner no.1, whose application for grant of anticipatory bail has already been withdrawn. He further contended that though the occurrence is alleged to have taken place on 25.02.2023, but the present F.I.R. came to be registered on 27.02.2023, irrespective of the fact that the S.H.O., Barachatti forwarded the



written report just after the occurrence. Further submission has been made that the petitioners before this Court are having fair antecedent and in fact only on account of some previous dispute the name of the petitioners have been implicated in order to wreak vengeance and mount pressure.

7. On the other hand, learned APP for the State vehemently opposes the bail application and submits that in the said occurrence three persons have sustained injuries and some of the injuries have been found on vital parts of the body.

8. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioner nos. 2 to 5, coupled with their fair antecedent, as also the injury report discussed in the impugned order, **let the petitioner nos. 2 to 5**, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 222 of 2023, subject to the condition as laid down under Section 482 (2) of the Bharatiya



Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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