

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54820 of 2025

Arising Out of PS. Case No.-202 Year-2017 Thana- HUSSAINGANJ District- Siwan

1. Vikash Yadav S/o Late Prabhunath Yadav R/o Village - Hussainganj, P.S - Hussainganj, District - Siwan
2. Sudish Kumar S/o Shankar Pasi R/o Village - Hussainganj, P.S - Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-09-2025 1. Heard learned counsel for the petitioners and Ms. Sucheta Yadav, learned A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedents of two cases and petitioner no. 2 is a person of clean antecedent. The informant alleges that on 29.07.2017, while he was returning from Hussainganj to his village, Hathaura, all the accused persons intercepted him, started assaulting him and also snatched Rs. 500/- from his pocket. The accused persons also assaulted Md. Hussain who



was returning from his sister's place to his house. Further, Dharmendra and Jalebi were in drunken condition.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case by the informant. It is next submitted that the petitioners are not named in the F.I.R. and the name of the petitioners transpired in the statement of Hussain Aftab recorded under Section 161 of the Cr.P.C. after ten days of the occurrence. It is also submitted that from perusal of the Injury Report, it would manifest that injury nos. 1, 2 and 3 are opined to be simple while injury no. 4 is opined to be grievous, which is on the back, a non-vital part of the body. It is next submitted that no doubt the case is of the year 2017, but the petitioners were not aware of their implication in the case and it was only in 2024, when warrant of arrest was issued against them, that the petitioners came to know about their implication in the instant case. It is further submitted that no process under Section 82 of the Cr.P.C. has been issued.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory 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 the learned trial court where the case is pending/successor court in connection with Hussainganj P.S. Case No. 202 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court shall thereafter verify as to whether process under Section 82 of the Cr.P.C. has been issued against the petitioners or not and in the event if it is found that process under Section 82 of the Cr.P.C. has been issued against the petitioners, in that event, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that no process under Section 82 of the Cr.P.C. has been issued against the petitioners, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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