

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64988 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- RANIYATALAB District- Patna

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1. Ram Lakhan Yadav @ Ramlakhan Kumar Son of Madan Yadav Resident of Village- Jitan Chhapra Police Station-Rani Talab District- Patna
 2. Darvesh Yadav @ Darbesh Kumar son of Madan Yadav Resident of Village- Jitan Chhapra Police Station-Rani Talab District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2025 Heard learned Counsel for the petitioners, learned A.P.P., Chandra Bhushan Prasad for the State and learned Counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in connection with Rani Talab, P.S. Case No. 72 of 2024 registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned c.ounsel for the petitioners submits that the petitioners have antecedent of one case and the allegation against the petitioners is that they assaulted the informant along with Chandan Yadav by butt of a pistol causing injury on head. It is next submitted that though it is alleged that all the three



accused persons have assaulted the informant by butt of pistol causing injury on head, but then, only one injury was found and the said injury was opined to be simple in nature. It is next submitted that Chandan Yadav had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 55899 of 2024 and the same was allowed by an order dated 05.09.2024.

4. The learned counsel appearing on behalf of the informant and the learned APP opposes the prayer for bail, but then, they are not in a position to rebut the submissions of the learned Counsel appearing on behalf of the petitioners that only one injury was found on the head of the informant and the was opined to be simple in nature.

5. The learned Counsel appearing on behalf of the informant next submits that process under Section 82 and 83 Cr.P.C. has been issued against the petitioner on which the learned Counsel appearing on behalf of the petitioners submits that process under Section 82 and 83 Cr.P.C. was issued when the petitioners was availing their remedy available in law before this Court. It is next submitted that process under Section 82 Cr.P.C. was not issued when the petitioners had approached the learned District Court seeking anticipatory bail, it is also submitted that since similarly situated co-accused Chandan



Yadav has been granted the privilege of anticipatory bail, as such parity be maintained. It is further submitted that purpose of issuing process under Section 82 Cr.P.C. is to ensure the presence of the accused persons before the Court and not to aid investigation.

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 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 J.M.F.C., Danapur or the Court below where the case is pending/successor court in connection with Rani Talab P.S. Case No. 72 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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