

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82457 of 2025

Arising Out of PS. Case No.-51 Year-2012 Thana- SAKURABAD District- Jehanabad

1. Raju Kumar S/o Late Ram Pravesh Yadav Resident of Village - Uchita, P.S - Sakuraband, District- Jehanabad
2. Dhananjay Kumar S/o Late Ram Pravesh Yadav Resident of Village - Uchita, P.S - Sakuraband, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-12-2025 Heard learned Advocate for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sakurabad P.S. Case No. 51 of 2012 registered for the offences punishable under Sections 341, 323, 379, 324 and 307 of the Indian Penal Code.

3. In the evening of the fateful day, while the informant and his cousin were returning from Jehanabad Court after making *pairvi*, in the meanwhile, the petitioners and other family members surrounded them and brutally assaulted due to which he sustained injuries, besides there is allegation of snatching of Rs. 1200/- from his pocket.



4. Learned Advocate for the petitioners submitted that falsity of the case is apparent for the simple reason that during course of investigation, the investigating officer has not found any material against the petitioners and thus, the petitioners were not sent up for trial. To support the aforesaid contention, final report has also been placed, as Annexure-P/2. However, differing with the final report, the learned Jurisdictional Court has taken cognizance for the offences alleged in the first information report on 02.06.2024. It is the specific contention of the petitioners that despite the order taking cognizance, no notice or any requisites have been served upon them, therefore, they were not aware with regard to the process of the Court. The injuries which are allegedly sustained to the informant is concerned the same has been found to be simple in nature. The injuries which have been found over the body of the informant and one Ranjit Kumar, both appear to be simple in nature, though the final injury report is not available on record. He lastly contended that the reason behind the false implication of the petitioners are earlier the informant and his brother Ranjit Yadav were made accused in connection with murder of full brother of the petitioners and cousin uncle and only in order to wreak vengeance and put pressure, the present FIR came to be



instituted. It is further contended that from the order impugned, it appears that the process under Section 82 Cr. P.C. have been issued, however, this cannot be said to be a bar to entertain the anticipatory bail application of the petitioners as the circumstances of the case warrants consideration. Reliance has been placed on a decision rendered by a Bench of this Court in Cr. Misc. No. 27235 of 2025.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the cognizance of the offence against the petitioners were taken long back in the year 2014 and now, the process under Section 82 Cr. P.C. have been issued. Hence, there is no iota of confusion that the petitioners have been evading their arrest for a petty long time, besides there is a specific accusation against them.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioners have been evading their arrest which led the Court to issue process under Section 82 of the Cr. P.C. and the facts of the case is not identical to that on which reliance has been placed, this Court is not acceded to the prayer for anticipatory bail of the petitioners.



7. However, if the petitioners surrender before the court below preferably within a period of four weeks, the learned jurisdictional Court shall consider the prayer for bail of the petitioners without being prejudiced by the order of this Court and taking note of the submissions recorded hereinabove, besides other submissions.

(Harish Kumar, J)

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