

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87602 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- KHODAWANDPUR District- Begusarai

1. Lalan Yadav Son of Ramchandra Yadav Resident of Village Tara Bariyarpur, Paschim Ward no. 8, Police Station Khodawandpur, District -Begusarai
2. Shankar Yadav @ Shankar Kumar w/O Lalan Yadav Resident of Village Tara Bariyarpur, Paschim Ward no. 8, Police Station Khodawandpur, District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 115, 118(1), 126(2), 303(2), 109, 76, 352, 351(2) and 3(5) of the Bhartiya Nyay Sanhita (BNS), 2023.

3. As per the FIR, petitioners and other co-accused persons stopped the informant and his son and took the key of their motorcycle. Petitioner no.1 assaulted with iron rod on the head of the informant. The accused persons also snatched money from them and brutally assaulted the informant and his son.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Petitioners and informant are next door neighbours. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1, to assault the informant by means of iron rod and the nature of injury was found grievous.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, as there is no specific allegation against the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Khodawandpur P.S.



Case No.97 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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