

In the Court of Additional Sessions Judge-XVI, Gaya

Anticipatory Bail Petition No.3726 of 2023

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1. Upendra Yadav @ Upendra Prasad S/o Late Ramchandar Yadav,
 2. Arjun Yadav @ Arjun Prasad S/o Late Ramchandar Yadav,
 3. Rajendra Prasad @ Rajendra Prasad S/o Late Ramchandar Yadav,
 4. Ravikant Kumar @ Guddu S/o Late Satyendra Kumar,
 5. Shashikant Kumar @ Vikky S/o Late Satyendra Kumar,
 6. Lakshuman Prasad @ Lakhuman S/o Late Jagdish Yadav,
 7. Devanand Prasad @ Devji S/o Late Jagdish Yadav,
 8. Deepak Kumar @ Chhotu Yadav S/o Late Raghunandan.
 9. Om Prakash @ Babloo S/o Deonandan Yadav,
 10. Pawan Kumar @ Naveen Kumar S/o Deonandan Yadav,
 11. Mukesh Kumar S/o Krishna Yadav,
 12. Sujeet Kumar S/o Rajendra Yadav

All R/o village- Daboor Tola Bishun Bigha, P.S.- Konch, District- Gaya.

----- Petitioners

Versus

The State of Bihar

----- Opposite Party

27.02.2024

The present anticipatory bail petition has been filed and pressed today for order on behalf of above named petitioners who are apprehending their arrest in connection with Konch P.S. Case No.545 of 2023 for committing offence u/s 147, 148, 149, 341, 323, 447, 307, 379, 504, 506 IPC, pending in the Court of Learned Sri Sushil Dutt J.M.F.C. Gaya.

Heard Learned Advocate for the petitioners and Learned A.P.P. for the State.

This case has been instituted on the written information of informant Surendra Yadav alleging therein that on 19.11.2023 at about 4.00 PM he was getting the measurement of the land sold by the father and demarcating the same which was sold at the hands of Nagina Devi and both were present with the survey Amin, in the mean time accused persons namely Upendra Yadav, Arjun Yadav and Ravindra Yadav came there armed with pistol and tried to fired upon him but could not fire then they assaulted him by means of butt of pistol at his head due to which he sustained injured and he became unconscious. Further he submitted that when they raised alarms then all accused

petitioners came there armed with pistol and lathi and started to abuse and assaulted him and his family members and also took away Rs.5000/- from his pocket and accused Bablu Kumar also snatched gold chain from the neck of son of informant.

Learned defence counsel humbly submitted that the petitioners have not filed any bail either anticipatory or regular bail petition before this Court or any Hon'ble higher Court. Further he submitted that the petitioners are quite innocent and have been falsely implicated in this case due to land dispute, there is no specific allegation upon the petitioners and this case is counter case of Konch P.S. Case No.546/23 lodged by Meena Devi wife of petitioner no.7 Devanand Prasad. Lastly, he submitted that petitioners namely Ravikant Kumar, Upendra Prasad, Arjun Prasad, and Pawan Kumar having one criminal antecedent i.e. Konch P.S. Case No.48/14 and petitioners namely Shashikant Kumar, Rajendra Kumar, Devanand Prasad and Om Prakash Kumar having two criminal antecedent i.e. Konch P.S. Case No.48/14 and 47/14. That the petitioners are men of means and they are ready to furnish bail bond of any reasonable amount, hence the petitioners may be given the privilege of anticipatory bail.

The Learned A.P.P. opposed the prayer and prayed to dismiss the petition of anticipatory bail filed by the petitioner.

Heard the Learned Counsels for both the sides and perused the case record along with the CD. From perusal of FIR shows that this case has been instituted for the offence u/s 147, 148, 149, 341, 323, 447, 307, 379, 504, 506 IPC against above named accused / petitioners and as per FIR there is specific allegation of assaulted upon the petitioners. From perusal of injury report at para 28 of the CD shows that injury of injured Ramesh Kumar and Surendra Yadav are simple in nature but their injury is on the left parietal side of head. From perusal of para 29 of the CD shows that the accused petitioners namely Vikki Kumar @ Shashikant Kumar, Bablu Kumar @ Om Prakash Kumar, Pawan Kumar, Upendra Kumar, Arjun Yadav, Rajendra Yadav and Devanand Yadav having two criminal antecedent i.e. Konch P.S. Case No.254/19 and 48/14.

Considering the aforesaid facts and circumstances of the case and the gravity of offence, I am not inclined to enlarge the petitioners of anticipatory bail. Accordingly, prayer for anticipatory bail of above named petitioners are hereby **Rejected**.

Dictated

Sd/-

**Addl. Sessions Judge-XVI,
Gaya**