

IN THE COURT OF 09th ADDITIONAL SESSIONS JUDGE, SASARAM ROHTAS
Present: Sri Deepanshu Srivastava, Addl. Sessions Judge, Sasaram

Date: 06.06.2023

Anticipatory Bail Petition No. 2596 of 2022
(Arising out of Sasaram Nagar P.S. Case No. 298/22 registered on 10.04.2022 for the
offence u/s 341, 323, 337, 504, 534(B), 379, 34 of the IPC)

1. Dhan Jee Yadav
Aged about 28 years
S/o Bigu Yadav
 2. Bhola Yadav
S/o Jagdish Yadav
Aged about 24 years
 3. Rinku Yadav
Aged about 26 years
S/o Lal Babu Yadav
 4. Surendra Yadav
Aged about 27 Years
S/o Khatai Yadav
All R/o Vill.- Chawar Takiya,
P.S. Sasaram (T)
District Rohtas
- Petitioners

VERSUS

The State of Bihar ...O.P.

Present:

For the Petitioners ----- Ld. Counsel Sri Sharif Ansari
 For the State ----- Ld. Addl. PP Sri Sudarshan Singh

ORDER

The petitioners are apprehending for their arrest filed anticipatory bail in connection with Sasaram Nagar P.S. Case No. 298/22 registered on 10.04.2022 for the offence u/s 341, 323, 337, 504, 354 (B), 379, 34 of the IPC.

The prosecution story in short as per written petition of informant viz. Laxmi Devi alleging therein that on 09.04.2022 at about 10:00 p.m. in the night, due to altercation of children the above named accused persons in the FIR came at the door of informant and started abusing then informant came outside from the house then accused persons Dhanjee Yadav and Bhola Yadav assaulted by means of farasa as the result informant's husband sustained injury on his head and through the stone over the informant's husband as the result his left leg was cut and bloomed and thereafter Bhola Yadav torn her blouse and snatched a golden chain from her neck and Dhanjee Yadav and Bhola Yadav attempted to do indecent act forcibly with the informant and after raising alarm neighbor came there and save her.

Heard learned counsel on behalf of petitioners and also the learned Addl. PP for State.

The learned counsel for the petitioners has submitted that the petitioners are quite innocent and have committed no offence rather have wrongly been implicated in this case due to previous enmity as altercation between the children as FIR shows itself. The entire prosecution story is false and concocted. It is further submitted that no occurrence has taken place as stated in the FIR. Alleged all sections are bailable except section 379 and 354 (B) which is super addition and has wrongly been added in the case with a view to make the case serious and non-bailable. It is further submitted that the petitioners apprehend their being arrest by the police.

Learned Addl. PP has opposed the prayer of anticipatory bail of the petitioners.

Heard both sides and perused the xerox copy of case diary which was provided by learned Addl. PP. The Sasaram (T) P.S. Case No. 298/22 has been registered u/s 341, 323, 337, 504, 354 (B), 379 read with section 34 of the IPC against nine accused persons including above

named four petitioners. In support of alleged occurrence there is restatement of informant in para 04 of the case diary and statement of witnesses in para 08, 09 of the case diary in which they all have supported the prosecution case and indulgement of the petitioners in the said incident. There is direct allegation of assault and outrage the modesty of informant against petitioner no. 1 and 2 alongwith other co-accused persons. Injury report of Sunil Chaudhary and Manoj Kumar Gupta have been mentioned in para 21 and 22 of the case diary in which opinion was reserved with regard to nature of injury. Still investigation is going on..

Considering the above mentioned facts & circumstances of the case, material available on the record and still investigation is going on, it is not proper to admit the petitioner on privilege of anticipatory bail. So prayer made on behalf of the petitioners viz. 1. Dhan Jee Yadav, 2. Bholu Yadav, 3. Rinku Yadav and 4. Surendra Yadav are hereby **rejected**.

Copy of this order be sent to the learned Court concerned.

(Sri Deepanshu Srivastava)
09th Addl. Sessions Judge
Rohtas at Sasaram