

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17378 of 2015

Arising Out of PS.Case No. -51 Year- 2014 Thana -ROH District- NAWADA

1. Navin Rawat S/o Bundi Yadav
2. Bare Yadav S/o Krishna Yadav
3. Sako Yadav S/o Rambalak Yadav
4.Chhote Yadav S/o Krishna Yadav
All are Resident of Village Harbans Bigha, P.S. Roh, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22842 of 2015

Arising Out of PS.Case No. -51 Year- 2014 Thana -ROH District- NAWADA

1. Alakhdeo Yadav S/o Bundi Yadav
2. Rambalak Yadav S/o Bundi Yadav
3. Ganga Yadav S/o Bundi Yadav
All are Resident of Village- Harbans Bigha, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.17378 of 2015)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

(In Cr.Misc. No.22842 of 2015)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv

For the Opposite Party/s : Smt.Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

At the outset learned counsel for the petitioners
appearing in both these cases, submit that petitioner no.

2 in Criminal Miscellaneous No. 22842 of 2015, namely, Ram Balak Yadav has been arrested.

That being so, the prayer for anticipatory bail of the petitioner has become infructuous and is, accordingly, rejected.

Considering the fact that there is direct allegation of assault against the petitioner, Alakhdeo Yadav (Criminal Miscellaneous No. 22842 of 2015) by causing Farsa injury on the head of the informant, Pawan Kumar, which has been found to be substantiated in the injury report, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner Alakhdeo Yadav and his prayer for anticipatory bail is also rejected.

Petitioner no. 3, Ganga Yadav (Criminal Miscellaneous No. 22842 of 2015) and the other four petitioners in Criminal Miscellaneous No. 17378 of 2015 namely, Navin Rawat, Bare Yadav, Sako Yadav and Chhote Yadav, in absence of any allegation of any

specific overt act as also have no criminal antecedent, would be entitled for privilege of anticipatory bail.

That being so, if the Petitioner no. 3, Ganga Yadav (Criminal Miscellaneous No. 22842 of 2015) and the other four petitioners in Criminal Miscellaneous No. 17378 of 2015 namely, Navin Rawat, Bare Yadav, Sako Yadav and Chhote Yadav, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **C.J.M., Nawada** in connection with **Roh P.S. Case No. 51 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they

shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police

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papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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