

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40585 of 2014

Arising Out of PS.Case No. -158 Year- 2014 Thana -WAJIRGANJ District- GAYA

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1. Ashok Yadav Son of Sri Indradeo Yadav
2. Dinesh Yadav Son of Sri Indradeo Yadav, both are resident of village-
Kharhara, P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.7768 of 2015

Arising Out of PS.Case No. -158 Year- 2014 Thana -WAJIRGANJ District- GAYA

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1. Ajit Kumar @ Ajit Yadav Son of Sri Gauri Prasad Yadav,
2. Pappu Yadav, Son of Sri Mahesh Prasad Yadav, both residents of
Village- Matoso Tola Kharhara, Police Station- Fatehpur in the district of
Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
(In Cr.Misc. No.40585 of 2014)
For the Petitioner/s : Mr.Krishna Pd.Singh, Sr.Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Roy, APP
(In Cr.Misc. No.7768 of 2015)
For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr.Advocate
Mr. Abhishek Anand
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-03-2015 Both the above applications arise out of common police station case, therefore, they have been heard together and are being disposed of by this common order.

The petitioners of both the applications apprehend their arrest in a criminal prosecution registered under Sections 302, 149 and some other allied offences of the Indian Penal Code.

It is submitted by the learned senior counsel appearing on behalf of the petitioners in both the applications that in the first information report vide Annexure 1, specific allegation of

commission of crime in question is against co-accused Satyendra Yadav and co-accused Madan Yadav. According to them, so far these petitioners are concerned, allegations against them are general and omnibus in nature and appear to be doubtful.

Learned Addl. P.P. has pointed out that petitioner No.1 Ashok Yadav of Cr.Misc.No. 40585 of 2014 and petitioner No.1- Ajit Kumar alias Ajit Yadav of Cr.Misc.No. 7768 of 2015 have criminal antecedents and some other criminal cases apart from the present one are pending against them.

Taking into consideration the aforesaid aspects, particularly on the ground that the petitioner Ashok Yadav and petitioner Ajit Kumar alias Ajit Yadav have criminal antecedents, their prayer for grant of anticipatory bail in connection with Wazirganj P.S.Case No. 158 of 2014 pending in the court of learned Chief Judicial Magistrate, Gaya is rejected.

The petitioners Ashok Yadav and Ajit Kumar alias Ajit Yadav, if so advised, may surrender before the learned court below within a period of four weeks from today and pray for regular bail, which shall be considered on its own merit without being prejudiced by the present order. They shall be at liberty to raise all the points, which they have raised here in their separate applications, for grant of regular bail.

However, taking into consideration the fact that the petitioner No.2 Dinesh Yadav of Cr.Misc.No. 40585 of 2014 and petitioner No.2 Pappu Yadav of Cr.Misc.No. 7768 of 2015 are of fair antecedent and no other criminal case excepting the present one is pending against them and further taking into consideration the fact that no specific role has been assigned against them for commission of the crime in question, their prayer for anticipatory bail is allowed. In the event of arrest or surrender within a period four weeks from today, the aforesaid petitioners Dinesh Yadav

and Pappu Yadav, shall be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S.Case No. 158 of 2014, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure and subject to the further following conditions:

(A) one of the bailors each petitioners must be government servant or close family member of the petitioners who will file an affidavit in the court below showing his/her relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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