

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4724 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAON District- Banka

1. Raj Kumar Yadav Son of Anil Yadav Resident of Village - Khirjan, P.S.- Rajoun, Distt - Banka.
2. Vikash Yadav Son of Anil Yadav Resident of Village - Khirjan, P.S.- Rajoun, Distt - Banka.
3. Anil Yadav Son of Late Tarni Yadav Resident of Village - Khirjan, P.S.- Rajoun, Distt - Banka.
4. Tinku Yadav Son of Kamleshwari Yadav Resident of Village - Khirjan, P.S.- Rajoun, Distt - Banka.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Om Prakash Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

The appellants, in this case, are challenging the order dated 02.09.2019 passed by learned Ist Additional Sessions Judge, Banka in A.B.P. No. 1217/2019 arising out of Rajoun P.S. Case No. 36/2019 registered for the offences punishable under Section 147, 148, 149, 323, 307, 354(B), 427, 504 and 506 of the Indian Penal code, Section 27 of the Arms Act, Section 3/4 of Witchcraft (Dian) Act and Section 3(i) (w) of SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer of anticipatory bail of



the appellants has been rejected.

Considering the facts and circumstances, wherein the co-accused have been granted anticipatory bail in this case vide order dated 02.12.2019 passed in Cr. Appeal (SJ) No. 4477 of 2019 and learned Special P.P. for the State does not deny that these appellants are similarly situated to those who have been granted anticipatory bail, for the same reason and rationale which are quoted hereunder from the order dated 02.12.2019 passed in Cr. Appeal (SJ) No. 4477 of 2019:

“Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that in course of investigation of the case and counter case the Investigating Officer has not found any sign of setting up of the hut of the informant on fire and in paragraph ‘5’ of the case diary the police has recorded the description of the place of occurrence but the allegation is not substantiated from the said paragraph and further that as it appears from the records both the parties had indulged in throwing bricks and stones on each other and caused injuries which are simple in nature and the dispute had arisen over the distribution of food-grains in the PDS Shop of Rajendra Das who is an accused in the Rajoun P.S. Case No. 37 of 2019 lodged on the same day by the appellants’ side and further that save and except against Rajesh Yadav (appellant no. 2) the allegation against other appellants are general and omnibus, let the appellants No. 1 and appellant nos. 3 to 7,



in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka, in connection with Rajoun P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. ”

The impugned order as regards these appellants is hereby set-aside.

Let the appellants above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-, Banka in connection with Rajoun P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police



officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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