

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73167 of 2018

Arising Out of PS. Case No.-194 Year-2014 Thana- MAKHDUMPUR District- Jehanabad

1. Jitendra Yadav S/o late Inderdeo Yadav
2. Upendra Yadav S/o Lila Yadav Both are R/o Bajitpur, P.S. Makhdumpur District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Smt. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 31-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 379/34 and 354 IPC registered in connection with Makhdumpur P.S. Case No. 194/2014.

3. It is submitted that the petitioners have been falsely implicated and the accusation of assaulting the informant is upon co-accused Ajay Yadav and Sanjeet Kumar. Five accused persons including the petitioners are alleged to have assaulted the informant's nephews, but the accusations are general and omnibus in nature and no specific injury has been attributed individually. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for informant oppose the anticipatory bail petition. Learned counsel for the informant states that a counter affidavit has been filed on 28.01.2019, but the same is



not on record. A copy of the said counter affidavit has been supplied by him, the same may be returned after the original counter affidavit is placed on record. It has been stated in para 4 thereof that the petitioner no. 2 has three criminal antecedents as enumerated therein. It is therefore, submitted that the petitioner no. 2 has suppressed all the three prior cases in which he has been made accused.

5. Learned counsel for the petitioners has not disputed the stand of the informant in this regard.

6. Considering that the petitioner no. 2 not having correctly stated his criminal antecedents before this Court, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition as against petitioner no. 2 stands dismissed.

7. As regards petitioner no. 1, having regard to the entirety of the facts and circumstances, in the event of arrest or surrender by petitioner no. 1 before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Jehanabad in connection with Makhdumpur P.S. Case No. 194/2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner no.1.
- ii. That the petitioner no.1 shall not indulge in any similar offence till



conclusion of the trial.

iii. That the petitioner no.1 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner no.1 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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