

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6694 of 2020

Arising Out of PS. Case No.-311 Year-2019 Thana- RAJAON District- Banka

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1. SUBHASH YADAV S/o Late Gobadhan Yadav R/o village- Khaira, P.S.- Rajoun, District- Banka
 2. Arkesh Yadav S/o Late Subodh Yadav R/o village- Khaira, P.S.- Rajoun, District- Banka
 3. Dubba Yadav @ Monu S/o Subhash Yadav R/o village- Khaira, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-09-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 307, 386/34 of the Indian Penal Code and 27 of the Arms Act.

Informant in his written complaint has alleged that on 15.07.2019 at about 11:32 AM petitioners alongwith other FIR named accused were demanding rasta from the private land of



the informant, for which some altercation took place between them and on protest co-accused Mukesh Yadav and Jangla Yadav fired upon the informant, which hit in his stomach and his father, which hit on his chest. It is further alleged that accused persons also took away Rs. 20,000/- and some ornaments.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case. There is no specific allegation against petitioners rather there is specific allegation of firing against Mukesh Yadav and Jangla Yadav. There is case and counter case. Similarly placed co-accused persons, namely, Paro Devi, Nutan Kumari and Rahul Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.03.2020 passed in Cr. Misc. No. 6271 of 2020. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like



amount each to the satisfaction of learned C.J.M., Banka, in connection with Rajoun P.S. Case No. 311 of 2019 (G.R. No. 1954/19), (S.T. No. 447.19), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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