

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14416 of 2020**

Arising Out of PS. Case No.-170 Year-2018 Thana- KATORIYA District- Banka

1. PRAKASH YADAV Son of Nuneshwar Yadav Resident of Village-Ghagharijore, P.S.- Katoria, District- Banka.
2. Nuneshwar Yadav Son of Late Karu Yadav Resident of Village-Ghagharijore, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Adv.
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
For the Informant	:	Mr. Dhananjay Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel representing the informant.

Petitioners, in the present case, are seeking anticipatory bail in connection with Katoria P.S. Case No.170 of 2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 342, 427, 452, 307, 354(B), 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

Learned counsel for the petitioners submits that in the first information report the informant has named altogether 20 persons. These petitioners are not named in the first information report even though the petitioners are co-villagers of the informant and the informant is fully knowing the petitioners.

It is further submitted that the informant has specifically



alleged that as to who had done what with the brother of the informant who had sustained injury and later on died. It is his submission that the petitioners have been falsely implicated in the case in course of investigation and that a learned co-ordinate Bench of this Court has granted anticipatory bail to some of the co-accused who are though named in the first information report but against whom there was no specific allegation.

Learned APP for the State as well as learned counsel for the informant have though opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case particularly that the petitioners are not named in the first information report and the informant, who is said to be an eye witness, has himself specifically alleged against the co-accused who had committed overt act as also that the co-accused who are named in the FIR but against whom no specific allegation has been made have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 51423 of 2019, otherwise the petitioners have no criminal antecedent, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Katoria P.S. Case No.170 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri Raushan Kumar, learned J.M.-1st, Banka, subject to the conditions 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

