

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26286 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- TIKAPATTI District- Purnia

1. SITTU KUMAR YADAV @ SANJEEV KUMAR YADAV Son of Tapeswari Yadav Resident of Village- Dirachandpur, Ward No.06, P.S.- Falka (Pothia O.P.), District- Katihar.
2. Kare Lal Yadav @ Brajesh Yadav Son of Tapeswari Yadav Resident of Village- Dirachandpur, Ward No.06, P.S.- Falka (Pothia O.P.), District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Tikapatti P.S. Case No. 119 of 2019 for the offence registered under Sections 147, 148, 149, 448, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioners herein having assaulted the informant as also are



alleged to have fired gun shots.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is submitted that as far as the petitioner no. 2 is concerned, he is having a clean antecedent, however, the petitioner no. 1 is an accused in one other case. It is further submitted that a general and omnibus allegation has been levelled against the petitioners herein and there is no specific allegation of any sort of overt act.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation of assault has been levelled against the accused persons including the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea in connection with Tikapatti P.S. Case No. 119 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would mark their attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of their failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioners shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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