

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26272 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- DHANSOI District- Buxar

1. JITENDRA YADAV Son of Rajendra Yadav Resident of Village- Rampur, P.S.- Dhansoi, District- Buxar.
2. Ravi Yadav Son of Rajendra Yadav Resident of Village- Rampur, P.S.- Dhansoi, District- Buxar.
3. Amarjeet Yadav @ Kunal Yadav Son of Dasarath Yadav Resident of Village- Rampur, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh

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 Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhansoi P.S. Case No. 11 of 2020 for the offence registered under Sections 341, 323, 504, 506, 427, 380, 452, 307, 354(B)/34 of the Indian Penal Code.

The allegation is regarding the petitioners having arrived at the shop of the informant on their motorcycle, however, when the informant had told them to park the motorcycle on the



corner side of his shop, the petitioners started abusing him and then they had left, however, they had again arrived at about 7:30 p.m. on the alleged date of occurrence and opened fire from their country made pistol as also damaged articles and taken away cash money. It is also alleged that the accused persons including the petitioners had caught the hand of the wife of the informant and slapped her.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the petitioner by the informant, hence benefit of doubt can be given to the petitioners. It is also submitted that no injury has been sustained by any member of the prosecution party including the informant.

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 petitioners and the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of



anticipatory bail, however, subject to certain conditions so that the investigation can be completed in a proper manner by the Investigating Officer.

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 A.C.J.M.-III, Buxar in connection with Dhansoi P.S. Case No. 11 of 2020 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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