

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21467 of 2020

Arising Out of P.S. Case No.-70 Year-2019 Thana-Muffasil District-Nawada

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1. Balmiki Prasad @ Balmiki Yadav, son of Shiv Yadav
 2. Dharmendra Kumar @ Dharmendra Yadav, son of Balmiki Prasad @ Balmiki Yadav
 3. Bikash Kumar @ Dipu Yadav @ Bikash @ Bikash Yadav, son of Ramadhin Yadav
 4. Guddu Yadav @ Guddu Kumar, son of Surendra Yadav
- All resident of Village Bibipura, P.S. Muffasil, District Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Birendra Kumar
For the Opposite Party : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Muffasil P.S. Case No. 70 of 2019, disclosing the offence punishable under Sections 341, 323, 354, 324, 379, 308, 504, 506, 34 of the Indian Penal Code.

There are six persons named in the FIR including these petitioners. The FIR has been registered on 24.03.2019 for an occurrence said to have taken place on 21.03.2019. The petitioners were allegedly celebrating Holi with mud and were



singing vulgar songs. When their activities were objected to, they allegedly entered into the informant's house and they assaulted the informant and his family members and took away some articles and cash of Rs. 50,000=00.

Learned counsel appearing on behalf of the petitioners has submitted that delay of three days in lodging of the FIR itself casts a serious doubt on veracity of the prosecution's case. He has submitted that a counter-case has also been lodged by the side of the persons who have been made accused in the present case.

Considering the background in which the occurrence is said to have taken place, this application is allowed.

Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Nawada in Muffasil P.S. Case No. 70 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case



may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of



the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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