

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27575 of 2020**

Arising Out of PS. Case No.-905 Year-2019 Thana- BANKA District- Banka

1. BIBHISHAN YADAV Son of Bhudeo Yadav Resident of Village- Majlishpur, P.S.- Banka, District- Banka.
2. Saurabh Yadav Son of Bibhishan Yadav Resident of Village- Majlishpur, P.S.- Banka, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-11-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Lalan Kumar, learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Banka P.S. Case No. 905 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and Sections 3/4 of Explosive Substance Act.

Learned counsel for the petitioners submits that as per the FIR, 11 named and 10-15 unknown accused persons came at the Shankarpur Dharmkanta where the informant is working as Incharge and among them four accused persons namely, Sharad Yadav, Mrityunjay Yadav, Nawal Kishore Yadav and Dablu Yadav hurled



bomb on the roof of the room. It is alleged that two associates of the informant received injury.

Learned counsel for the petitioners submits that the petitioners are not among the persons who allegedly hurled bomb on the roof of the informant. It is further submitted that the petitioners have not been attributed any specific overt act in causing assault to the injured. The petitioners have got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein altogether 11 persons have been named in the FIR along with 10-15 unknown persons who allegedly came to the Dharmkanta of the informant but out of them against four namely, Sharad Yadav, Mrityunjay Yadav, Nawal Kishore Yadav and Dablu Yadav it has been alleged that they were having bombs in their hands and these four persons had hurled the bomb on the roof of the room of the informant. So far as the present petitioners are concerned, there are completely general and omnibus allegations against them without there being any allegation of any overt act.

In the given facts and circumstances of the case considering the nature of allegations and materials present as also that the petitioners have no criminal antecedent, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today be released on bail on furnishing bail bond of



Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 905 of 2019, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

U		T	
---	--	---	--

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'.

