

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4365 of 2019**

Arising Out of PS. Case No.-212 Year-2019 Thana- WARISLIGANJ District- Nawada

1. RAJENDRA YADAV @ RAJO @ RAJO YADAV, aged about 40 years, Male, S/o Mathura Yadav
 2. Satendra Yadav @ Salo @ Salo Yadav, aged about 35 years, Male, S/o Mathura Yadav
 3. Binod Yadav @ Baudhu Yadav, aged about 30 years, Male, S/o Suresh Yadav @ Suresh Prasad Yadav
 4. Jogendra Yadav, aged about 27 years, Male, Son of Suresh Yadav @ Suresh Prasad Yadav
 5. Shankar Yadav, aged about 26 years, Male, Son of Late Mishri Yadav
- All are resident of village- Mosama, P.S.- Warisaliganj, District- Nawada

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arun Kumar Arun
For the Respondent/s : Mr.Usha Kumari 1

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

3 06-01-2020 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The appellants in the present case are seeking setting aside the impugned order dated 03.09.2019 passed by the 1st Additional Sessions Judge cum Special Judge, Nawada in A.B.P. No. 1140/2019 in connection with Warisaliganj P.S. Case No. 212/2019 under Sections 323/341/307/34 of the Indian Penal Code and Section 3(v)(r) of the SC/ST (Prevention of Atrocities) Act and looking for anticipatory bail in connection with the said case.



It is the contention of learned counsel for the appellants that on a reading of the First Information Report it would appear that so far as these appellants are concerned, there are only general and omnibus allegations against them. Learned counsel submits that the specific allegation of assault is against the co-accused Surendra Yadav who is not the appellant in this case. It is further submitted that the present case has been lodged by the informant only to get rid of the case lodged by the appellants' side being Warlisaliganj P.S. Case No. 210/2019 which is prior to lodging of the present case. Learned counsel submits that it is a case of false implication and there being no specific allegation of assault against these appellants, the impugned order may be set-aside and the appellants should be granted privilege of anticipatory bail.

Learned Special P.P. for the State has opposed the prayer for anticipatory bail of these appellants but it is not disputed that the allegations against these appellants are general and omnibus.

In the facts and circumstances of the case wherein the submission of the appellants that the allegations against these appellants are general and omnibus are not seriously disputed and there is no other material to connect these appellants at this



stage, let the impugned order be set-aside and the appellants in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Special Judge, Nawada, in connection with Warisaliganj P.S. Case No. 212/2019, subject to condition 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.

(Rajeev Ranjan Prasad, J)

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