

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5892 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- RAJAOLI District- Nawada

1. SURENDRA YADAV @ SURENDRA KUMAR Son of Mahendra Yadav
Resident of Village - Bhagwanpur, P.S.- Rajauli, Distt - Nawada.
2. Vijay Yadav @ Vijay Kumar Son of Bishundhari Yadav @ Bishundhari
Prasad Resident of Village - Bhagwanpur, P.S.- Rajauli, Distt - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants is seeking setting-aside the order dated 23.10.2019 passed by learned Additional Sessions Judge - 1st – cum – Special Judge, Nawada in ABP No. 1517/2019 arising out of Rajauli P.S. Case No. 165/2019 registered under Sections 147, 341, 323, 379, 504 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that initially the informant has only stated that all of a sudden near Rajauli – Bhagwanpur Chowk 20 persons forcibly entered in the Bus and looted the jewelry of the women travelling in the Bus



but later on the informant had disclosed the name of 18 persons with their parentage and village address which seems to be highly improbably and the submission is that both the parties were returning after attending a Barat and there had been a quarrel on overtaking of the vehicle near the Bhagwanpur More and because of that occurrence the present F.I.R. has been lodged and further submission that two co-accused Solzar Kumar @ Solzar Yadav and Chandar Yadav @ Chandra Yadav who are similarly situated have been granted privilege of anticipatory bail by learned coordinate Bench of this court vide order dated 20.11.2019 passed in Criminal Appeal (SJ) No. 3798/2019, let the impugned order in so far as it relates to the present appellants be set-aside and event of their arrest/surrender before the court below within a period of four weeks, let the above-named appellants 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 Rajauli P.S. Case No. 165/2019, 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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