

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26847 of 2020

Arising Out of PS. Case No.-68 Year-2017 Thana- ALOULI District- Khagaria

1. RAJDEEP YADAV Son of Bahadur Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
2. Vikash Kumar Son of Rajdeep Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
3. Vikram Kumar Son of Rajdeep Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
4. Arun Yadav Son of Late Dileshwar Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
5. Mukesh Yadav Son of Late Khelo Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
6. Demsi Yadav Son of Late Khelo Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
7. Lalan Yadav Son of Late Khelo Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
8. Mantun Yadav Son of Late Khelo Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
9. Nago Yadav Son of Late Lal Bahadur Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
10. Ashok Yadav Son of Nago Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.
11. Brajesh Yadav Son of Nago Yadav Resident of Village- Alauli, P.S.- Alauli, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-01-2021 Heard learned counsel for the petitioners and Mr.
Abhay Kumar No. 1, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-



arrest bail in connection with Alauli P.S. Case No. 68 of 2017, G.R. No. 687/2017 registered for the offence under Sections 341, 323, 307, 379, 504, 506, 447 and 34 of the Indian Penal Code.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioners that the petitioners' side and informant's sides are gotias, the quarrel seems to have taken place on account of land dispute and the injuries being simple in nature, the investigating agency submitted chargesheet under bailable sections but the learned Magistrate differed with the police report and took cognizance of the offence under non-bailable sections as well, learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioners pointed out that so far as petitioner no. 9 is concerned, he is said to have assaulted the son of the informant and the injury report shows injury on the forehead and other parts of the body, this Court is though inclined to grant privilege of anticipatory bail to petitioner nos. 1 to 8, 10 and 11, the Court is not inclined to grant privilege of anticipatory bail to petitioner no. 9 against whom there is an allegation of causing blow on the vital part of the body of the son of the informant. Prayer for anticipatory bail of petitioner



nos. 1 to 8, 10 and 11 is allowed.

Let the petitioner nos. 1 to 8, 10 and 11 above named be released on bail in the event of their arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 68 of 2017, G.R. No. 687 of 2017 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

(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 antecedents of the petitioner nos. 1 to 8, 10 and 11



and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 9 is concerned, his prayer for anticipatory bail is refused.

In case the petitioner no. 9 surrenders and prays for regular bail before the learned Court below within a period of four weeks from today his prayer for regular bail shall be considered on its own merit without being prejudiced by order of this Court.

This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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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'.

