

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23642 of 2020

Arising Out of PS. Case No.-666 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. Rajiv Yadav S/o Bailash Yadav Resident of Village- Sadhopur, P.S.- Ghogha (Kahalgaon), Distt- Bhagalpur.
2. Kailash Yadav S/o Late Bhola Yadav @ Bhola Prasad Yadav Resident of Village- Sadhopur, P.S.- Ghogha (Kahalgaon), Distt- Bhagalpur.
3. Makhra Yadav S/o Late Bhola Yadav @ Bhola Prasad Yadav Resident of Village- Sadhopur, P.S.- Ghogha (Kahalgaon), Distt- Bhagalpur.
4. Nirmal Yadav S/o Bhola Yadav @ Bhola Prasad Yadav Resident of Village- Sadhopur, P.S.- Ghogha (Kahalgaon), Distt- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Khahalgaon (Ghogha) P.S. Case No. 666/2019 registered for the offences punishable under Sections 147, 149, 448, 307, 504, 379, 506 of the Indian Penal Code.

As per the First Information Report, on 04.10.2019 when the informant was going to market for purchasing some puja articles, these petitioners along with some others came there with Lathi, Danda, Iron rod and surrounded the informant and started abusing and assaulting. When the family members of the informant came there they were also assaulted by the accused persons as a result



thereof the informant and his father got head injury and his brother was also sustained injury on his head.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. There is no specific allegation against the petitioners, both sides have lodged case and counter case and both sides have suffered injuries, however, petitioners have got no criminal antecedent.

Learned A.P.P. 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 eight persons are named in the First Information Report, both sides have lodged case and counter case and both sides have suffered injuries, learned Sessions Judge, Bhagalpur while rejecting the prayer for anticipatory bail has also observed that the allegations against the petitioners are general and omnibus in nature, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Kahalgaon (Ghogha) P.S. Case No. 666/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, 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 their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

