

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39029 of 2020

Arising Out of PS. Case No.-225 Year-2019 Thana- SONO District- Jamui

1. MOTI YADAV Son of Saryu Yadav Resident of Village - Gamhariya, P.S.- Sono, District - Jamui.
2. Sakaldeo Yadav @ Pintu Yadav Son of Sokhi Yadav Resident of Village - Gamhariya, P.S.- Sono, District - Jamui.
3. Gautam Yadav Son of Subodh Yadav Resident of Village - Gamhariya, P.S.- Sono, District - Jamui.
4. Sokhi Yadav Son of Late Jay Ram Yadav Resident of Village - Gamhariya, P.S.- Sono, District - Jamui.
5. Boni Yadav @ Bambam Yadav Son of Baleshwar Yadav Resident of Village - Gamhariya, P.S.- Sono, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Adv.
For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. B.N. Pandey, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sono P.S. Case No.225 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 308, 435, 504 and 506 of the Indian



Penal Code.

As per the prosecution story, on 10.08.2019 at about 12.00 hours all the named accused persons including these petitioners were constructing road near the house of the informant and when he raised objection one of the co-accused Pawarit Yadav assaulted him with sword on his head due to which he sustained injury. It is alleged that when the niece and brother of the informant tried to rescue him, they were also assaulted by the accused persons by fists and slaps.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to village politics. Learned counsel submits that there is general and omnibus kind of allegation of assault against these petitioners.

Learned counsel submits that the similarly situated co-accused Panchu Yadav has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr.Misc.No.39906 of 2020.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the materials placed before this Court showing that altogether 17 persons are named in the FIR



and the specific allegation of assault is against co-accused Pawarit Yadav whose prayer for anticipatory bail has already been rejected by a learned coordinate Bench of this Court in Cr.Misc.No.39906 of 2020 and the prayer for pre-arrest bail of the co-accused Panchu Yadav who is similarly situated with these petitioners has been granted bail by a learned coordinate Bench of this Court, considering that the allegations are general and omnibus against these petitioners and they are similarly situated with Panchu Yadav and further that the petitioners have got no criminal antecedent, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Sono P.S. Case No.225 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumari, J.M.-1st Class, Jamui, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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)

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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'.

