

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6180 of 2021**

Arising Out of PS. Case No.-255 Year-2019 Thana- PALIGANJ District- Patna

1. Kameshwar Yadav S/O Pakuh Yadav R/O Village- Pariyo (Parion), P.S.- Paliganj, District- Patna
2. Bhorik Yadav S/O Bhagwat Yadav R/O Village- Pariyo (Parion), P.S.- Paliganj, District- Patna
3. Baijnath Yadav S/O Bhwan Yadav R/O Village- Pariyo (Parion), P.S.- Paliganj, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 17-12-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Paliganj P.S. Case No. 255 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 506 and 379 of the Indian Penal Code. The petitioners have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on 23.07.2019 while the informant was



going to Paliganj for study, all the accused persons including these petitioners armed with lathi-danda, khanti assaulted the informant. It is alleged that co-accused Sanjay Yadav gave khanti blow on the head of the informant and Bhorik Yadav (petitioner no. 2) snatched gold locket and Vishal Kumar took away Rs.500/- from the pocket of the informant. Thereafter all the accused persons fled away.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioners rather it is against co-accused Sanjay Yadav. The petitioners have otherwise no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the uncontroverted submission of learned counsel for the petitioners that the specific allegation of giving assault causing lacerated wound on the temporal of the informant is against the co-accused Sanjay Yadav and not against these petitioners, the petitioners have otherwise no criminal antecedent and even the said injury has been found to be simple in nature, this Court directs that the petitioners above named in the event of their arrest or surrender within four weeks



from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S. Case No. 255 of 2019, subject to the conditions as laid down under Section 438(2) 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.

The application stands 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'.

