

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34033 of 2021

Arising Out of PS. Case No.-358 Year-2020 Thana- RAJAON District- Banka

1. YOGENDRA YADAV @ YOGEENDR YADAV @ JOGENDRA YADAV SON OF LATE BAICHU YADAV @ LATE BECHU YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
2. UPENDRA YADAV SON OF LATE MANI YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
3. AJAY YADAV SON OF UPENDRA YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
4. PAWAN KUMAR SON OF UPENDRA YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
5. RAHUL YADAV @ RAHUL KUMAR SON OF YOGENDRA YADAV @ YOGEENDR YADAV @ JOGENDRA YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
6. CHOTU KUMAR @ CHHAUTU KUMAR SON OF YOGENDRA YADAV @ YOGEENDR YADAV @ JOGENDRA YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA
7. PRIYANKA KUMARI DAUGHTER OF YOGENDRA YADAV @ YOGEENDR YADAV @ JOGENDRA YADAV R/O VILLAGE- KATIYA JAGDISHPUR, P.S.- RAJOUN, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 307 and 504 and 34 of the Indian Penal Code.

The informant and his nephew are subjected to assault on the issue of pathway of ancestral properties of the petitioners.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and has falsely been implicated in this case. He further submits that the present case is a counter blast of Rajoun P.S. Case No. 357 of 2020 filed by petitioner No.3, Ajay Yadav against the informant and his family members. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioners and no specific allegation of overt act or assault is attributed to the petitioners. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rajoun P.S. Case No. 358 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioners shall co-operate in the investigation and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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