

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33263 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- KHIRI MORE District- Patna

1. RAMROOP YADAV Son of Late Sadhu Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.
2. Rabindar Yadav Son of Late Sadhu Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.
3. Guddu Yadav Son of Rabindar Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.
4. Harendar Yadav Son of Ramroop Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.
5. Sanjay Yadav Son of Chandardeep Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.
6. Amit Kumar @ Amit Yadav Son of Doman Yadav Resident of Village - Hemanpur, P.S. - Khirimore, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that petitioner No. 1 and 6 have been taken into custody, therefore, this application has now become infructuous with respect to petitioner Nos. 1 and 6 only.

Accordingly, this application is dismissed as having been infructuous with respect to petitioner Nos. 1 and 6



only.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 341, 323, 307, 504 and 506 of the Indian Penal Code.

The petitioners are said to have assaulted the informant and his family members by deadly weapon as a result of which they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the allegation of assault of giving lathi blow on the head of the informant is attributed to the co-accused, Amit Kumar @ Amit Yadav, who has already been arrested by the police. He further submits that so far allegation of assault upon Sanjay Kumar, who is said to nephew of the informant, is concerned, he is said to have been assaulted by the five persons whereas he has got only one injury and the nature of injury is kept reserved by the doctor. He further submits that it is said that injured Sanjay Kumar has been referred to the PMCH but he has not



been medically examined in the PMCH. 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 their 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 Khiri More P.S. Case No. 32 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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