

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28280 of 2022

Arising Out of PS. Case No.-503 Year-2018 Thana- SHEKHPURA District- Sheikhpora

1. CHAMRU YADAV S/o- Late Rameshwar Yadav
2. Masudan Yadav S/o- Sidheshwar Yadav
3. Nitay Yadav @ Nita Yadav S/o- Kapil Yadav
All Resident/Village - Pathlafaar, P.S.- Sheikhpora, Distt.- Sheikhpora.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,323,324,307 of IPC and Section 27 of Arms Act.

The prosecution case, in short, is that on 08.07.2018 the petitioners alongwith others started assaulting the brother of the informant by lahti and rod. Petitioner Masudan fired from pistol and co-accused Pawan, Ramashish and Chandan also



fired due to which the brother of the informant sustained firearm injury and accused petitioners alongwith others started assaulting with brick, lathi and rod to the informant, his mother and two brothers.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against these petitioners. Further submits that the police, after investigation, submitted final form in favour of the petitioners on 10.06.2019. Further submits that the learned court below has taken cognizance, after differing with the final form, against the petitioners.

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

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Sheikhpura P.S.Case No.503



of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial 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 bonds shall be cancelled 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 antecedents, 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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