

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39322 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- CHANDAUTI District- Gaya

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1. Guddu Kumar Son Of Talkeshwar Yadav R/O Village- Agraili, P.S.- Chandauti, District- Gaya
 2. Deo Charan Yadav Son Of Ramkrishna Yadav R/O Village- Agraili, P.S.- Chandauti, District- Gaya
 3. Rajendra Yadav Son Of Talkeshwar Yadav R/O Village- Agraili, P.S.- Chandauti, District- Gaya
 4. Yogendra Yadav @ Yogendra Kumar Son Of Talkeshwar Yadav R/O Village- Agraili, P.S.- Chandauti, District- Gaya
 5. Talkeshwar Yadav Son Of Mukhu Yadav R/O Village- Agraili, P.S.- Chandauti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

After some arguments, learned counsel for the
petitioners seeks permission to withdraw the anticipatory bail
petition of petitioner No. 2 namely, Deo Charan Yadav.

Permission is accorded.



Accordingly, the anticipatory bail petition of petitioner no. 2 namely, Deo Charan Yadav is dismissed as withdrawn.

The petitioners (except petitioner no.2) are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 379, 337, 338, 308, 504 and 506 of the Indian Penal Code.

According to prosecution case, accused Guddu Kumar along with other co-accused persons lashed with lathi, rifle, khanti, bricks and stone started assaulting to the informant and his family members leading to multiple injuries and snatched earring and gold jitiya from the sister-in-law of the informant and cash of Rs. 8,000/- from informant's brother and father.

Learned counsel for the petitioners (except petitioner no. 2) submits that the petitioners no. 1, 3 and 4 have one criminal antecedent and petitioner no. 5 has clean antecedent. He further submits that petitioner no. 1, 3, 4 and 5 have falsely been implicated in the present case and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that there is specific allegation against the Deo Charan Yadav and Santan Kumar who assaulted the informant and other



family members of the informant. He further submits that there is case and counter case and both parties are neighbor. He further submits that the present F.I.R. is instituted after the delay of 28 days without any explanation of delay.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners (except petitioner no. 2).

Considering the aforesaid facts and circumstances, let the petitioners no. 1, 3, 4 and 5, 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 the learned Court below where the case is pending in connection with Chandauti P.S. Case No. 110 of 2021, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court



below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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