

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44531 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- NTPC District- Patna

1. MAHENDAR YADAV Son of Sevak Yadav Resident of village- Balopur, Panchmahala Raily Bindh P.s.- N.T.P.C. Distt- Patna
2. Satendra Yadav @ Bhulla Yadav Son of Pavitra Yadav Resident of village- Balopur, Panchmahala Raily Bindh P.s.- N.T.P.C. Distt- Patna
3. Chano Yadav Son of Late Bantu Yadav Resident of village- Balopur, Panchmahala Raily Bindh P.s.- N.T.P.C. Distt- Patna
4. Suni Yadav Son of Chano Yadav Resident of village- Balopur, Panchmahala Raily Bindh P.s.- N.T.P.C. Distt- Patna
5. Himanshu Kumar Son of Satendra Yadav Resident of village- Balopur, Panchmahala Raily Bindh P.s.- N.T.P.C. Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 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, 379, 504, 506/34 of the Indian Penal Code.

The petitioners are said to have assaulted the informant by means of lathi on his head with intent to kill him as a result of which he sustained head injury. The petitioners are stated to have snatched Rs. 5000/- and golden locket of the informant.



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. Further, it is submitted that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them. He further submits that the medical report does not corroborate with the allegation leveled in the F.I.R. against the petitioners as the injury is said to be of simple in nature as is evident from Annexure-2 to this application. 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 arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with N.T.P.C. P.S. Case No. 28 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 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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