

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45379 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- ISLAMPUR District- Nalanda

1. D. P. YADAV Son of Arjun Yadav
2. Pintu Yadav Son of Umesh Yadav
Both Resident of village - Pachlova, P.S. - Islampur, District - Nalanda
3. Shailesh Yadav Son of Maheshwar Yadav
4. Manoj Yadav Son of Baran Yadav
Both Resident of village - Dahaur Bigha, P.S. - Islampur, District - Nalanda
5. Ranjit Yadav Son of Ballam Yadav
6. Fulli Yadav @ Phulendra Yadav Son of Rajnandan Yadav
7. Rambali Yadav Son of Sumintar Yadav
8. Ashok Ram @ Ashok Prasad Son of Janak Ram
All Resident of village - Medhi Math, P.S. - Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Learned counsel for the petitioners submits that during pendency of this anticipatory bail application petitioner No.4 Manoj Yadav has been arrested. Hence, his prayer for anticipatory bail is dismissed as infructuous.

Accordingly, the bail petition with respect to



petitioner No.4 is dismissed as withdrawn.

Heard learned counsel for petitioner Nos.1 to 3 and petitioner Nos.5 to 8 and learned Additional Public Prosecutor for the State.

Petitioner Nos.1 to 3 and petitioner Nos.5 to 8 are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,447,354,504/34 of IPC.

The prosecution case, in short, is that the Devar of the informant, namely, Rahul Kumar was going to bring milk, petitioner Nos.1 to 4 assaulted the Devar of the informant as a result he sustained injury. The informant further alleged that the informant alongwith Mukesh Kumar and Daramvir Kumar went to meet with them then other co-accused and petitioner No.5 surrounded her house and started assaulting her and also started firing as a result they sustained injuries. Specific allegation is against co-accused namely Shobhi Ram who torn the Blouse of the informant.

Learned counsel for the petitioners submits that petitioner Nos.6,7 and 8 have clean antecedent. Petitioner Nos. 1 to 3 and petitioner No.5 have got one criminal antecedent. They have falsely been implicated in the present case. Further submits that there is case and counter case. Further submits that



it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners and no specific allegation of assault or overt-act is there against any of the petitioners and the allegation as alleged in the FIR is false and fabricated.

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

Considering the facts and circumstances of the case, let petitioner Nos.1 to 3 and petitioner Nos.5 to 8, 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 Islampur P.S. Case No. 278 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) Petitioner Nos.1 to 3 and petitioner Nos.5 to 8 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 petitioner Nos.1 to 3 and petitioner Nos.5 to 8 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 petitioner Nos.1 to 3 and petitioner Nos.5 to 8 and in case at any stage, it is found that petitioner Nos.1 to 3 and petitioner Nos.5 to 8 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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