

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46849 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- KISHUNPUR District- Supaul

1. Raushan Kumar S/o Ashok Kumar R/o village- Bageva, P.S.- Kishanpur, District- Supaul
2. Ganga Prasad Sah @ Tunabh Sah S/o Late Kailu Sah R/o village- Bageva, P.S.- Kishanpur, District- Supaul
3. Bhogendra Yadav S/o Mahendra Yadav R/o village- Bageva, P.S.- Kishanpur, District- Supaul
4. Shiv Chandra Yadav S/o Kinu Yadav R/o village- Bageva, P.S.- Kishanpur, District- Supaul
5. Raghunandan Yadav @ Dara Yadav @ Dara S/o Late Rameshwar Yadav R/o village- Bageva, P.S.- Kishanpur, District- Supaul
6. Madan Kumar Yadav @ Maden Yadav S/o Bhushan Yadav R/o village- Bageva, P.S.- Kishanpur, District- Supaul
7. Pradeep Kumar Yadav S/o Yogendra Yadav R/o village- Bageva, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 354(B), 506 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present case is counter blast of Kishanpur P.S. Case No. 241 of 2021 filed by the uncle of the petitioner no. 1 against the informant and his family members. He further submits that it appears from the F.I.R. that the date of occurrence has been alleged 26.11.2021 but the present F.I.R. was instituted on 08.12.2021 after the delay of about 18 days without giving explanation of delay and the present F.I.R. was instituted after the filing of Kishanpur P.S. Case No. 241 of 2021. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that there is no injury report on record to support the allegation as alleged in the F.I.R.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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/- (Rupees 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 Kishanpur P.S. Case No. 249 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 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 witness, 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 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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