

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47210 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- KHARIK District- Bhagalpur

1. Simple Kumar Son of Laddu Yadav R/V- Usmanpur, P.S- Kharik, Dist- Bhagalpur
2. Lalit Kumar Son of Late Ajay Yadav R/V- Usmanpur, P.S- Kharik, Dist- Bhagalpur
3. Munilal Yadav @ Munna Yadav Son of Late Ramdev Yadav R/V- Usmanpur, P.S- Kharik, Dist- Bhagalpur
4. Gopal Yadav Son of Late Ramdev Yadav R/V- Usmanpur, P.S- Kharik, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 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, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.



According to the prosecution case, in brief, is that the accused persons including the petitioners came conjointly and abusing the informant and his family members and on protest all the miscreants get back to their home and came with country made pistol and started firing in the air.

Learned counsel for the petitioners submits that the petitioner nos. 1, 2 and 3 have clean antecedents whereas petitioner no. 4 carries four more cases other than the present one. He further submits that the petitioners have been falsely implicated in the present case and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act against the petitioners.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners but fairly submits that there is no allegation of any overt act against any of the petitioners and there is general and omnibus allegation against all the accused persons including 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 Kharik P.S. Case No. 184 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 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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