

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59509 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- SILAO District- Nalanda

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1. PAWAN KUMAR Son of Utam Yadav Resident of Village - Kamdarganj, P.S.- Silao, Distt.- Nalanda.
 2. Jaihindra Yadav @ Jahindra Yadav Son of Ram Jatan Yadav Resident of Village - Kamdarganj, P.S.- Silao, Distt.- Nalanda.
 3. Ravindra Yadav Son of Late Sitaram Yadav Resident of Village - Kamdarganj, P.S.- Silao, Distt.- Nalanda.
 4. Sujit Yadav @ Jujit Yadav Son of Ram Naresh Yadav Resident of Village - Kamdarganj, P.S.- Silao, Distt.- Nalanda.
 5. Dular Yadav Son of Jaihindra Yadav @ Jahindra Yadav Resident of Village - Kamdarganj, P.S.- Silao, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 At the outset, the learned counsel for the petitioners submits that the petitioners no. 1 and 4 have already been arrested, hence, the present petition qua them has become infructuous.

Accordingly, the present petition qua the petitioners no. 1 and 4 stands dismissed.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory



bail in connection with Silo P.S. Case No. 85 of 2021 registered for the offence punishable under Sections 341, 323, 325, 354, 307, 147, 148, 149, 379 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that all the accused persons including the petitioners herein, variously armed, had arrived at the house of the informant, whereafter they had abused the informant as well as had assaulted the informant, her daughter and other family members. It is also alleged that the accused persons had taken away a sum of Rs. 60,000/-, after entering in the house of the informant and had also snatched gold chain and ear rings from the daughter of the informant.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is submitted that as far as the petitioners no. 2 and 3 are concerned, they are accused in one other criminal case, but they are on bail and as far as the petitioner no. 5 is



concerned, he is having a clean antecedent. It is further submitted that as far as the petitioners no. 2, 3 and 5 are concerned, a general and omnibus allegation has been levelled whereas specific allegation has been levelled against the co-accused persons, namely, Ram Kumar, Ram Jatan Yadav and Abhimanyu @ Mannu. Lastly, it is submitted that the petitioners are ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of anticipatory.

The learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that no allegation of having engaged in any sort of specific overt act has been levelled qua the petitioners no. 2, 3 and 5, apart from the fact that a general and omnibus allegation has been



levelled qua them, though I deem it fit and proper to admit the petitioners no. 2, 3 and 5 to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners no. 2, 3 and 5 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Silao P.S. Case No. 85 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners no. 2, 3 and 5 shall mark their attendance before the SHO of the concerned police station on every Monday at 10:30 am., immediately after release on anticipatory bail till the framing of charge.



It is needless to state that in the event of three consecutive default in marking attendance before the concerned SHO, the present privilege of anticipatory bail, being extended to the petitioners no. 2, 3 and 5, shall stand cancelled and the petitioners no. 2, 3 and 5 shall be liable to taken into custody forthwith.

(Mohit Kumar Shah, J)

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