

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48897 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. Jitendra Yadav @ Jitendra Kumar S/O Chandradeep Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
2. Ravindra Kumar S/O Late Bachhu Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
3. Vinay Yadav @ Vinay Kumar S/O Late Vishunpat Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
4. Sanjay Yadav @ Sanjay Kumar S/O Late Vishunpat Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
5. Santosh Yadav @ Santosh Kumar S/O Shri Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
6. Gautam Kumar S/O Late Rajkishor Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)
7. Dusheshwar Yadav @ Dhudheshwar Singh S/O Late Budhan Yadav R/O Village- Daulatpur, P.S.- Daudnagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 147,
149, 34, 323, 308, 504 of the I.P.C. and ³/₄ Dayan Act.



According to prosecution case, in short is that on 19.02.2022 while the informant and his family members were returning from temple, accused persons started calling them Dayan. On objection, accused persons assaulted them with lathi and danda and caused injury.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that there is no specific allegation of overt-act and assault against these petitioners. He further submits that in fact no such occurrence took place and the present case is false and fabricated.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of the learned Court below where the case is pending in connection with Daudnagar P.S. Case No. 78 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 cancelled 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.

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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