

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58527 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- ASANWA District- Siwan

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1. MUNNA YADAV S/o Jawahar Yadav @ Jawahir Yadav R/V- Sonakara, Sonkara, Auwal, P.S.- Assaon, Distt- Siwan.
 2. Jawahar Yadav @ Jawahir Yadav S/o Late Ramayan Yadav @ Ramayan Chaudhary R/V- Sonakara, Sonkara, Auwal, P.S.- Assaon, Distt-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 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 Sections 307, 379, 341, 323, 324, 504, 506, 34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the allegation against the petitioners and other co-accused persons is that they assaulted the informant and his family members by means of lathi, danda, rod, iron pipe, tangi in which four persons sustained head and other injuries and Prabhu Yadav snatched golden mangalsutra and jiyutiya worth Rs.28,000/-



from the neck of the informant's wife.

Learned counsel for the petitioners submits that petitioners are innocent and they has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioners have assaulted the Manisha Kumari who is grand daughter of the informant but the injury report does not corroborate the allegation as alleged in the F.I.R. He further submits that there is admitted land dispute between the parties and there is case and counter case. He further submits that similarly situated co-accused namely, Lallan Yadav @ Lalan Yadav has been granted anticipatory bail by this Court vide order dated 06.12.2022 passed in Cr. Misc. No. 58356 of 2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioners carries one criminal antecedent other than the present one.

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 Assaon P.S. Case No. 95 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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