

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3073 of 2023

Arising Out of PS. Case No.-402 Year-2021 Thana- KHIJARSARAI District- Gaya

Ganesh Yadav @ Manjhala Yadav S/O Dhuri Yadav Resident of Village-
Pandit Bigha, P.S.- Khizarsarai, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Khizarsarai P.S. Case no. 402 of 2021 registered for the offences punishable under Sections 147, 148, 323, 307, 337, 338, 353, 504 of the Indian Penal Code. He has got one criminal antecedent.

As per the prosecution story, when the informant along with the police personnel raided the house of the petitioner for arrest in connection with Khizarsarai P.S. Case No. 359 of 2021, the petitioner and his family members started abusing and pelting stones as a result of which the informant sustained injury on his left palm.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. It is submitted that there are general and omnibus kind of allegations and there is no material against the petitioner to connect him with the present case.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submission that in the First Information Report there are general and omnibus kind of allegations against the named and 8-10 unknown persons, the alleged occurrence has taken place during night hours, as against the petitioner there is no material to connect him with the present case save and except that he was an accused in a case under Bihar Prohibition and Excise Act in connection with which the police party had gone to the house of the petitioner on the date of occurrence, the nature of the allegations and there being no specific overt act alleged against the petitioner, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Khizarsarai P.S Case No. 402 of 2021, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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