

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8441 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- BARHARA District- Bhojpur

1. Jhuna Yadav Son Of Jagan Yadav R/O Vill.- Padminiya, P.S.- Barhara (Krishnagarh), Distt.- Bhojpur
2. Banti Yadav Son Of Sri Ram Yadav R/O Vill.- Padminiya, P.S.- Barhara (Krishnagarh), Distt.- Bhojpur
3. Sri Ram Yadav Son Of Ramdeo Yadav R/O Vill.- Padminiya, P.S.- Barhara (Krishnagarh), Distt.- Bhojpur
4. Laxman Yadav Son Of Jagdeo Yadav R/O Vill.- Padminiya, P.S.- Barhara (Krishnagarh), Distt.- Bhojpur
5. Raj Kumar Yadav Son Of Late Bir Bhajan Yadav R/O Vill.- Padminiya, P.S.- Barhara (Krishnagarh), Distt.- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Barhara (Krishnagarh) P.S. Case No. 493/2022 registered for the offences punishable under Sections 147, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code. Petitioner no. 4 has got no criminal antecedent whereas petitioner no. 1 has got one criminal antecedent, petitioner no. 2 has got two criminal antecedents, petitioner no. 3 has got two criminal antecedents and petitioner no. 5 has got



ten criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was sitting at his hut all the named accused persons including the petitioners came there and abused him and co-accused Rajesh Yadav fired in air and assaulted him by the Butt of the pistol on which he fell down.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is no allegation that any one of them had assaulted the informant side, the allegations being general and omnibus.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the informant has named altogether 14 persons in the F.I.R. and allegations have been made against some of them of causing assault on the informant side, so far as these petitioners are concerned, there is no allegation that any one of them had assaulted the informant side, the allegations being general and omnibus and the fact that the two similarly situated co-accused namely Dasrath Yadav and Subham Yadav have



been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 67967/2022 vide order dated 02.05.2023, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Krishnagarh) P.S. Case No. 493/2022, 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 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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