

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18413 of 2023**

Arising Out of PS. Case No.-104 Year-2022 Thana- JAMALPUR District- Darbhanga

1. RAM SAKAL YADAV Son of Late Anand Yadav Resident of Village - Tarbara, Police Station - Jamalpur, District - Darbhanga.
2. Ram Lochan Yadav Son of Late Achak Yadav Resident of Village - Tarbara, Police Station - Jamalpur, District - Darbhanga.
3. Marchchi Devi @ Marchi Devi Wife of Late Hari Lal Yadav Resident of Village - Tarbara, Police Station - Jamalpur, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate  
For the Opposite Party/s : Ms.Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-06-2023                      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 Jamalpur P.S. Case No. 104/2022, G.R. No. 651/2022 registered for the offences punishable under Sections 143, 447, 341, 323, 307, 354(B), 379, 504 and 506 of the Indian Penal Code. Petitioner no. 1 has got one criminal antecedent, but so far as petitioner nos. 2 and 3 are concerned, they have clean antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 26.08.2022 at about 6:00 O'Clock while he was



sitting at the Varandah of the shop of his uncle Om Prakash Yadav then all the accused persons including these petitioners came there with various weapons and wanted to grab a piece of land, thereafter the occurrence took place.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that that petitioner no. 1 is said to be the order giver and the allegations against petitioner no. 2 is vague and omnibus. The injury allegedly caused by him are simple in nature. Learned counsel further submits that there is also a counter case and the parties are litigating over land disputes. There is no specific allegation against petitioner no. 3 of commission of any overt act.

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 submission of learned counsel for the petitioners is that petitioner no. 1 is said to be the order giver whereas the allegations against petitioner no. 2 is vague and omnibus and the injury allegedly caused by him are simple in nature, there is also a counter case and the parties are litigating over land disputes, there is no specific allegation against



petitioner no. 3 of commission of any overt act, in the circumstances, this Court 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) each with two sureties of the like amount each to the satisfaction of Shri Kumar Shashi, learned Judicial Magistrate 1<sup>st</sup> Class, Biraul, District – Darbhanga in connection with Jamalpur P.S. Case No. 104/2022, G.R. No. 651/2022, 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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