

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21493 of 2022

Arising Out of PS. Case No.-444 Year-2020 Thana- ARA NAGAR District- Bhojpur

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Dhanjee Yadav Son of Lal Bahadur Yadav, R/o Village- Sital Tola, P.S.- Ara
Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 11865 of 2023

Arising Out of PS. Case No.-444 Year-2020 Thana- ARA NAGAR District- Bhojpur

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VICKY YADAV Son of Ashok Yadav Resident of Mohalla- Moti Tola, P.S.-
Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21493 of 2022)

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. A.G.

(In CRIMINAL MISCELLANEOUS No. 11865 of 2023)

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2023 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.

Petitioners seek bail in a case registered for the
offences punishable under Sections 452, 307, 504, 506/34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, it is stated by the



informant that the accused Dhanji Yadav fired hitting the informant in his chest. Thereafter, other six accused persons including the petitioners herein are said to have surrounded and abused the informant. It is further stated that Dharmendra Yadav fired another shot injuring the informant.

Learned counsel for the petitioners submits that petitioner namely, Dhanjee Yadav carries nine criminal antecedents other than the present one and petitioner namely, Vicky Yadav has clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation against petitioner namely, Dhanjee Yadav that he has fired upon the informant and the informant sustained injury. He further submits that there is no specific allegation of any assault or overt-act against the petitioner namely, Vicky Yadav and he is only a member of mob. He further submits that the injury report of the informant suggest that the opinion with regard to the nature of injury is reserved. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner namely, Dhanjee Yadav is in custody since 30.06.2021 and petitioner namely, Vicky Yadav is in custody since 17.09.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner namely, Dhanjee Yadav carries nine criminal antecedents other than the present one but he fairly submits that he has been on bail in six cases out of nine.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on 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 Ara Town P.S. Case No. 444 of 2020, subject to 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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