

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35572 of 2023

Arising Out of PS. Case No.-5 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

Daya Yadav Son Of Roghu Yadav@ Raghu Yadav Resident Of Village-
Kathna, Ps- Bhairvasthan, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 385, 387, 337, 504, 506/34 of the Indian Penal Code.

3. Allegedly, the accused persons named in the F.I.R. including the petitioner tried to snatch the motorcycle and they also snatched money from the informant's pocket. They also threw bricks and stones upon the informant's house and also threatened him on phone of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Nothing has been



recovered from possession of the petitioner and the allegation of snatching of golden chain and cash is an ornamental addition. Similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this court vide order dated 11.04.2022 passed in Cr. Misc. No. 40370 of 2021 and by this Court vide order dated 28.11.2023 passed in Cr. Misc. No. 52563 of 2021. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhairavasthan P.S. Case No. 05 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. as also following condition(s):-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

anand/-

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