

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38648 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- JHAJHA District- Jamui

1. Vijay Yadav @ Bijay Yadav S/o Dahru Pd. Yadav R/o village- Basantpur,
P.S.- Simultalla, District- Jamui
2. Dablu Kumar Chaudhary S/o Late Arbind Chaudhary R/o village- Chirauta,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39425 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- JHAJHA District- Jamui

Rajan Kumar Chaudhary Son Of Ashok Chaudhary R/O Village- Chirauta,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38648 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 39425 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Jhajha



P.S. Case No. 42 of 2022, registered for the offences punishable under Sections 386, 387/34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that on 10.02.2022 at about 4:00 PM., six unknown persons came at the construction site of informant having deadly weapons in their hands and ordered to stop the work, they also assaulted one Rajiv Kr. Singh. Allegation of taking away some articles is also there

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that this case is at the instance of mischief mongers of locality. He also submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that his name transpired in the confessional statement of co-accused. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners, namely, Vijay Yadav, Dablu Kumar and Rajan Kumar Chaudhary have



been languishing in jail since 29.04.2022, 19.04.2022 and 19.04.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Jamui in connection with Jhajha P.S. Case No. 42 of 2022 on the following conditions:

((i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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