

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40869 of 2023

Arising Out of PS. Case No.-641 Year-2022 Thana- HILSA District- Nalanda

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1. Rahish @ Raish Yadav, Son of Nagender Yadav, Resident of Village- Khiru Bigha, P.S.- Nagar Nausha, Distt- Nalanda
 2. Manish Yadav, Son of Nagender Yadav, Resident of Village- Khiru Bigha, P.S.- Nagar Nausha, Distt- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners in the present case are seeking pre-arrest bail in connection with Hilsa P.S. Case No. 641 of 2022 registered for the offences under Sections 341, 323, 384, 354, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act. They have no criminal antecedent.

3. As per the prosecution story, the informant, namely, Chandan Kumar who is the Police Inspector of Hilsa Police Station got a secret information on 06.09.2022 about some miscreants assembling near Khandernuma Building, West of Surya Temple and firing. When the informant reached there, the miscreants managed to escape from the said place. When he



inquired from the nearby persons and the Chaukidar, they disclosed that some miscreants gather near the coaching center and are engaged in teasing students of the said coaching. Later on, the name of the miscreants were disclosed as Rahish @ Raish Yadav (petitioner no. 1), Manish Yadav (petitioner no. 2), Ravi Yadav, Amrit Raj, Suraj Kumar and 4-5 unknown persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the firing is said to have been made by some unknown persons. There is no specific allegation against these two petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein there is no specific allegation against the petitioners, the firings are said to have been made by unknown persons near an abandoned house and nobody has seen the petitioners' firing, there is no complaint against the petitioners and they have no criminal antecedents, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with Hilsa P.S. Case No. 641 of 2022 on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa (Nalanda), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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