

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44029 of 2023

Arising Out of PS. Case No.-40 Year-2020 Thana- MAHKAR District- Gaya

1. PAWAN YADAV @ PAWAN KUMAR S/O LATE LALAN YADAV R/O Village- Mahkar, P.S- Mahkar, Distt.- Gaya.
2. Shaili Devi @ Shaila Devi W/O Lalan Yadav R/O Village- Mahkar, P.S- Mahkar, Distt.- Gaya.
3. Soni Devi W/O Pawan Yadav R/O Village- Mahkar, P.S- Mahkar, Distt.- Gaya.
4. Manish Yadav @ Manish Kumar S/O Ram Lakhan Yadav R/O Village- Mahkar, P.S- Mahkar, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Mahkar P.S. Case No.40 of 2020 registered for the offences punishable under Sections 447, 341, 323, 308 and 504/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 06.05.2020 at about 7.00 pm all the accused persons including these petitioners came at the house of the informant and started



abusing her. It is further alleged that on protest made by her, they assaulted her with lathi-danda due to which she sustained head injury. It is alleged that they also assaulted her son Sujit Kumar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the allegation against the petitioners are general and omnibus.

5. Learned A.P.P. 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 the allegation against the petitioners are general and omnibus and they had been earlier provided the benefit of Section 41(1) Cr.P.C., 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 bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Mahkar P.S. Case No. 40 of 2020, 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 allowed.

(Rajeev Ranjan Prasad, J)

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