

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48323 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- BARH District- Patna

-
1. GHULETAN YADAV @ GHULETAN KEVAT S/O VASO YADAV @ VASO KEVAT
 2. Jitendra Yadav @ Jitendra Kevat @ Jitendra Kumar S/O Baso Yadav @ Baso Kevat
Both R/O Village- Bariyarpur, P.S- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shilpi Keshri, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard Mrs.Shilpi Keshri, learned counsel for the

petitioners and Mr.Ganesh Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barh P.S.Case No.36 of 2023, FIR dated 17.01.2023 registered for the offences punishable under Sections 302,120(B),201 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to FIR, It is alleged that the petitioners are indulged in hatching conspiracy to commit murder of the informant's bother namely, Anil Yadav in connivance with others by shot fire.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the informant has implicated the petitioners in the present false and fabricated case and even no one has seen the alleged occurrence and even no one is eye witness of the alleged occurrence and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the informant has raised strong suspicion against the petitioners that they have involved in the present occurrence but fairly submits that no one is the eye witness of the alleged occurrence and even the informant is not the eye witness of the alleged occurrence and apart from the aforesaid the petitioners carry two more cases other than the present one but again fairly submits that the petitioners are on



bail on both the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Additional Chief Judicial Magistrate-1st, Barh, Patna in connection with Barh P.S.Case No.36 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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)

Nitesh/-

U		T	
---	--	---	--

