

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47844 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- BARUN District- Aurangabad

-
1. Satish Kumar @ S Yadav Son of Mahendra Yadav
 2. Mahendra Yadav Son of Late Chalitar Yadav
 3. Ashok Singh @ Ashok Yadav Son of Mangal Yadav
 4. Ranjan Kumar @ Rajiv Yadav Son of Late Naresh Yadav
All Resident of Village - Bahuli, P.S. - Barun, Distt. - Aurangabad
- Petitioner/s
- Versus
- THE STATE OF BIHAR
- Opposite Party/s
-

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Barun P.S. Case No.289 of 2022 instituted under Sections 147, 148, 149, 341, 307 of the IPC and 27 of the Arms Act lodged on 10.07.2022 by the informant Rajendra Singh.

As per the prosecution story, the allegation is that the informant was having peaceful physical possession of the land in question which was rejected by the accused persons and on the fateful day, they came armed variously and at the instance of petitioner no.4, Anjani Kumar Yadav opened fire injuring Akhilesh Singh in his neck, nose and teeth. The injured was taken to the hospital in Barun and then to Aurangabad and



finally to Jamhore hospital, followed by the FIR.

Learned counsel for the petitioners submit that it is an exaggerated FIR inasmuch as the injury report does not conform to the prosecution story. In any case, omnibus allegation is against the accused persons save and except petitioner no.4 that on his direction, Anjani Kumar Yadav opened fire.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that the petitioner no.4, Ranjan Kumar @ Rajiv Yadav instigated which followed Anjani Kumar Yadav.

Though may be a case of bail for petitioner no.4, certainly anticipatory bail cannot be extended to him which is accordingly rejected.

So far as petitioner nos.1,2 and 3 namely, Satish Kumar @ S Yadav, Mahendra Yadav and Ashok Singh @ Ashok Yadav are concerned, considering the facts that omnibus allegations are there against them and they do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioner nos.1,2 and 3 namely, Satish Kumar @ S Yadav, Mahendra Yadav and Ashok Singh @ Ashok Yadav be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks



from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Barun P.S. Case No.289 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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

