

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51025 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- ATRI District- Gaya

1. Raj Ballabh Kumar @ Rajballabh Yadav @ Tinak Yadav Son Of Late Rajendra Yadav R/O-Tetar, P.S.-Atri, Distt.-Gaya
2. Rajesh Prasad @ Rajesh Yadav Son Of Late Rajendra Yadav R/O-Tetar, P.S.-Atri, Distt.-Gaya
3. Satyendra Prasad @ Satyendra Yadav @ Tannu Yadav @ Satyendra Kumar Son Of Dhaneshwar Yadav R/O-Tetar, P.S.-Atri, Distt.-Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 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 Atri P.S. Case No. 19 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 504, 506 of the Indian Penal Code. Petitioners nos. 1 and 2 have three criminal antecedents whereas petitioner no. 3 has got two criminal antecedents.

3. As per the prosecution story, On 22.01.2022 at about 06:30 P.M., the informant got information that somebody is stealing diesel from the project. On this information, Security guard Md. Ali Raja, Md. Sadik and two other guards reached



there and searched but nobody was there. In the meantime, some villagers came and started abusing and assaulted the guards with Lathi/Danda as a result of which Md. Ali Raja and Md. Sadik got injured.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there are general and omnibus kind of allegations against these 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 it is submitted that the present FIR has been lodged on 26.01.2022 in respect of the alleged occurrence which took place on 22.01.2022, the allegations are general and omnibus against these petitioners and the alleged dispute took place as the Security Guard of the Company was involved in the theft of articles like diesel and other materials but the officials of the project always blame that the villagers are stealing the diesel and other articles of the project, in the nature of the allegations which are general and omnibus, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in



connection with Atri P.S. Case No. 19 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.-XIII, Gaya, 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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