

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56043 of 2022

Arising Out of PS. Case No.-73 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

1. Bachhan Yadav @ Bachhan Kumar Son Of Madheshwar Yadav R/O Village- Madarichak, P.S.- Makhdumpur (TEHATA O.P.), District- Jehanabad
2. Niranjana Yadav @ Niranjana Kumar Son Of Amirak Yadav R/O Village- Madarichak, P.S.- Makhdumpur (TEHATA O.P.), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Makhdumpur (Tehata O.P.) P.S. Case No. 73 of
2018 under sections 147, 148, 149, 342, 323, 333, 353, 307,
427, 435 and 511 of the Indian Penal Code.

As per the prosecution story, the allegation is that a
person had died due to truck accident whereafter, one Niranjana
Yadav along with some associates came on a car and started
instigating the people. Soon, around 200 unidentified persons



joined and resorted to assaulting the informant, Police Officer, Tehata O.P. as also other police officials. Further allegation is that they put a truck on fire.

Learned counsel for the petitioners submit that although the matter is of 2018, they never came to know about their being made accuseds and once cognizance was taken, summons were issued in 2019. Still, they remained unaware of it whereafter, the process for their arrest was initiated forcing them to move before the Court.

Further submission is that they were just onlookers and had nothing to do with the occurrence, they do not have criminal antecedents and would abide by all terms and conditions, if granted privilege of anticipatory bail. Further submission is that irrespective of outcome of the present case, both the petitioners would be contributing to the Chief Minister's Relief Fund of Rs. 5000/- each.

The learned APP opposes the prayer.

Taking into account the fact that the main allegation is against Niranjana Yadav of instigating the crowd, omnibus allegation is against 200 unidentified persons, the petitioners do not have criminal antecedent and would be appearing in the trial diligently, this Court is inclined to grant



them the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund (Rs. 5000/- each).

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Makhdumpur (Tehata O.P.) P.S. Case No. 73 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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