

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56628 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- SHANKARPUR District- Madhepura

1. KAMESH YADAV @ KUMAR KAMESH CHANDRA YADAV Son of Late Bashudeo Yadav Resident of Village - Jharkaha, P.S.- Shankarpur, District - Madhepura.
2. Abhishek Kumar Son of Kamesh Yadav @ Kamesh chandra Yadav Resident of Village - Jharkaha, P.S.- Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma,Advocate

For the Opposite Party/s : Mr.Rajendra Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Shankarpur P.S. Case No. 144 of 2021 for the offence registered under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that when he was moving in connection with the Mukhiya election, near the house of the petitioner no. 1, Kamesh Yadav @ Kumar Kamesh Chandra Yadav, the accused persons stopped his motorcycle. the allegation is that petitioner no. 2 snatched the keys of the motorcycle whereafter on the order of petitioner no. 1 Kamesh Yadav @ Kumar Kamesh Chandra Yadav, accused Chintan Kumar opened fire which however, did not hit him.



Further allegation is of snatching of Rs. 45,000/- as also chain. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that due to village rivalry, the present FIR has been lodged which reflects from the prosecution story itself *inasmuch* as role has been assigned to each and every accused, the allegation is omnibus in nature.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that the allegation of opening fire is against Chintan Kumar, against these petitioners is of snatching the key and of order giver, this Court is inclined to extend them privilege of anticipatory bail with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Shankerpur P.S. Case No. 144 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(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 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;

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

(iv) 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 their bail bonds;

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

(vi) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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

