

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58849 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. Bindo Yadav Son of Late Nasib Yadav R/o vill - Bhelwa, P.S. - Gamhariya, Distt. - Madhepura
2. Pradeep Yadav @ Pradeep Kumar Son of Damodar Yadav R/o vill - Bhelwa, P.S. - Gamhariya, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023

Heard the parties.

2. The petitioners are in judicial custody in connection with Gamhariya P.S. Case No. 138 of 2022 for the offence punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379, 354A, 504 of the Indian Penal Code lodged on 5.7.2022 by the informant, Lalita Devi.

3. As per the prosecution story, the allegation is that the accused persons armed variously, came and assaulted the informant's side. The specific allegation is against Arjun Yadav, Arun Yadav, Shivendra Yadav as also Ranjeet Kumar and Sanjeet Kumar of having assaulted/opening fire causing injuries to the informant's side.



4. It is categorical submission of the learned counsel for the petitioners that no specific allegation is/are against the two petitioners.

5. It is further submitted that some of the accused persons namely Shivendra Yadav, Arun Yadav and Arjun Yadav against whom allegations were there, have been granted anticipatory bail in Cr. Misc. No. 42959 of 2023.

6. Learned APP opposes the prayer stating that they were members of the mob.

7. Taking into account the fact that there is no specific allegation against these two petitioners, some of the co-accuseds, as stated above, have been granted anticipatory bail and the petitioners are in custody since 24.6.2023 (para-15 of the petition), this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura, in connection with Gamhariya P.S. Case No. 138 of 2022 subject to the following conditions:

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



his/her 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 month for next one year to mark their 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 the 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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