

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59775 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- ISLAMPUR District- Nalanda

1. Umesh Yadav son of Late Chanda Yadav Village- Khagri Bigha Ps- Islampur Dist- Nalanda
2. Rajesh Yadav son of Umesh Yadav Village- Khagri Bigha Ps- Islampur Dist- Nalanda
3. Raju Kumar son of Dilip Yadav Village- Khagri Bigha Ps- Islampur Dist- Nalanda
4. Ravi Kumar son of Dilip Yadav Village- Khagri Bigha Ps- Islampur Dist- Nalanda
5. Santos Yadav @ Santos Kumar son of Umesh Yadav Village- Khagri Bigha Ps- Islampur Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-10-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Islampur P.S. Case No. 34 of 2023 instituted under under Sections 147, 148, 149, 341, 323, 324, 326, 307 of the Indian Penal Code and 27 of the Arms Act lodged on 21.1.2023 by the informant, Pratima Kumari.

3. As per the prosecution story, when the informant was sitting on the roof, the accused persons resorted to firing. The allegation is against Ranjit Kumar, Dilip Yadav and Uday



Yadav of having opened fire causing injuries. He was rushed to the police station from there to the Primary Health Center, Islampur, then to the Sadar Hospital, Bihar Sharif in precarious condition. Finally, he was under treatment at Pawapuri Hospital.

4. Learned counsel for the petitioners submit that specific allegation is against Ranjit Yadav, Dilip Yadav and Uday Yadav who are not the petitioners before this Court. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer stating that they also resorted to firing.

6. Taking into account the fact that specific allegation has been made against the named three accused persons, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant



after checking credentials.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Islampur P.S. Case No. 34 of 2023 to the satisfaction of learned A.C.J.M., Hilsa, Nalanda subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 their bail bonds.

(Rajiv Roy, J)

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