

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59927 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- SANJHOLI District- Rohtas

1. RAMJEE YADAV @ RAMJEE SINGH Son of Late Vishwnath Singh @ Late Vishwnath Yadav Resident of Village- Tendua, P.O.- Siaruan, P.S.- Sanjhauli, District- Rohtas, Bihar- 802220
2. KRISHNA YADAV @ KRISHNA SINGH Son of Late Vishwnath Singh @ Vishwnath Yadav Resident of Village- Tendua, P.O.- Siaruan, P.S.- Sanjhauli, District- Rohtas, Bihar- 802220

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Shekhar,Advocate
For the Opposite Party/s : Mr.Ajit Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Sanjhauli P.S. Case No. 89 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 427 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the allegation is that his co-villagers Sheshnat Yadav and other accused persons armed variously assaulted the informant's side and injured them. So far



as these petitioners are concerned, allegation is that they threw the informant's motorcycle in a sewer after damaging it with sticks.

The defence of the case is that only allegation against them is/are of damaging the Bike of one Ram Jatan Singh by '*lathi*' and '*rod*' and further threw it in the sewer.

He further submits that the alleged allegations leveled against the petitioners are concocted and do not attract any charge mention under the FIR. Hence, the whole prosecution is baseless and untenable under the eye of Law.

The further submission of the learned counsel for the petitioners is/are that irrespective of the outcome of the present case, since allegation is there of damaging the vehicle of the informant, without accepting the allegation, they on their own would like to contribute Rs. 7,500/- each (total Rs. 15,000) payable to the informant through demand draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

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

Taking into account the fact that allegation of assault



and/or of opening fire is against other accused persons, against these petitioners, there is allegation of throwing the motorcycle in a sewer, the petitioners on their own want to compensate the said damage, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 7,500/- each (total Rs. 15,000) as stated above.

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, Bikramganj (Rohtas) at Sasaram in connection with Sanjhauli P.S. Case No. 89 of 2022 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 petitioner (s) shall co-operate in the investigation and made himself available to the police as and when required;

(Rajiv Roy, J)

Jagdish/Neha/-

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