

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59345 of 2022

Arising Out of PS. Case No.-213 Year-2020 Thana- JADIA District- Supaul

1. UMESH YADAV @ UMESH KUMAR YADAV Son of Surya Narayan Yadav Resident of Village- Jadiya(Ward No.07), P.S.- Jadiya, District- Supaul
2. DILO YADAV@ DILEN YADAV@ DILAN KUMAR Son of Surya Narayan Yadav Resident of Village- Jadiya(Ward No.07), P.S.- Jadiya, District- Supaul
3. GANESH YADAV @ GANESH KUMAR YADAV Son of Surya Narayan Yadav Resident of Village- Jadiya(Ward No.07), P.S.- Jadiya, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha,Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Jadia P.S. Case No. 213 of 2020 for the offence registered under Sections 341, 342, 323, 332, 188, 353, 384, 504, 506 and 34 of the Indian Penal Code.

The allegation in the FIR is that the informant was on a duty due to 'Chatth' Puja, when he saw the auto drivers parking in a zig zag manner and upon request to regulate the traffic, he was abused and also caught hold of by his 'collar' and



assaulted. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that some confusion took place between the parties and which resulted into unfortunate incident. They did not had any intention to abuse or hurt the police official, do not have criminal antecedent and further intend to pay Rs. 5,000/- each totalling Rs. 15,000/- to the informant irrespective of the outcome of the present case 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 stating that they are tried to assault the Government official.

Considering the fact that they are auto drivers, no criminal antecedent, a FIR has been lodged and will have to face the music, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5,000/- each totalling 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 Additional Chief Judicial Magistrate 5th Supaul in connection with Jadia P.S. Case No. 213 of 2020 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/-

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