

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59893 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KARJAIN District- Supaul

1. DASHRATH YADAV @ DASHRATH PRASAD YADAV S/o Hajari Yadav
2. Amit Kumar @ Amit Kumar Aman S/o Dashrath Yadav,
both R/o Village and P.O.- Hariraha, Ward no. 11, P.S.- Karjain, Distt-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vijaya Laxmi Srivastwa, Advocate

For the Opposite Party/s : Mr.Nand Kumar, 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 Karjain P.S. Case No.42 of 2022 instituted under Sections
341, 323, 332, 307, 353, 504, 506, 34 of the IPC.

As per the prosecution story, the informant a police
officer alleged that they were at the house of Pranesh Kumar @
Amlendu to nab him when the accused persons named in the
FIR scuffled with them and stopped them from doing their
duties and in the process allegation against these petitioners
is/are of assault on his back. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that
omnibus allegation has been made against number of accused



persons of assault, they have nothing to do with Pranesh Kumar, no criminal antecedent and irrespective of the outcome they are ready to pay Rs. 10,000/- each to the informant.

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

Considering the aforesaid submissions put forward by the petitioner's counsel as also the fact that they do not have criminal antecedent, this Court is inclined to grant them anticipatory bail subject to payment of Rs. 10,000/- each 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.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Karjain P.S. Case No.42 of 2022 to the satisfaction of learned Chief Judicial Magistrate, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

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

(Rajiv Roy, J)

Prakash Narayan /-

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