

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68122 of 2023**

Arising Out of PS. Case No.-405 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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SAJJAN YADAV @ SAJJAN KUMAR YADAV S/o Ghanshyam Yadav R/o
Village-Bhawanipur Manth, P.S.-Bahadurpur, District-Darbhang.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 19-10-2023 Heard Mr. Mohit Shriwastava, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Darbhanga Sadar P.S. Case No. 405 of 2021, G.R. No. 2823 of 2021, F.I.R. dated 22.09.2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504, 506 of the Indian Penal Code.

3. As per the prosecution story during protest of death of one person in a road accident the petitioner along with other accused persons, altogether 18 in number, blocked the NH-57 and when the police tried to remove the blockade and clear the road, the accused persons started pelting stones and attacked the police party causing injuries.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner and other co-accused persons have assaulted the Block Development Officer but it appears from the F.I.R. that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that co-accused person namely Awadhesh Kumar Yadav who is leader of the protest has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 498 of 2022, another co-accused person namely Ram Jatan Yadav has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 11.05.2023 passed in Cr. Misc. No. 7003 of 2023, another co-accused person namely Rohit Yadav @ Rohit Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 9977 of 2023 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case that the petitioner having clean antecedent and there is no specific allegation of any assault or overt against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 405 of 2021, G.R. No. 2823 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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