

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63560 of 2023

Arising Out of PS. Case No.-191 Year-2021 Thana- BAKHTIYARPUR District- Patna

1. Tuneshwar Yadav Son Of Late Dhuri Yadav Resident Of Village - Mogalपुरa Bigha, P.S. - Bakhtiyarpur, District - Patna
2. Bipin Yadav @ Bipin Singh Son Of Tuneshwar Yadav Resident Of Village - Mogalपुरa Bigha, P.S. - Bakhtiyarpur, District - Patna
3. Sulu Yadav @ Satyendra Yadav Son Of Tuneshwar Yadav Resident Of Village - Mogalपुरa Bigha, P.S. - Bakhtiyarpur, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 191 of 2021 registered for the offences punishable under Sections 147, 341, 323, 332, 353, 307, 224 and 225 of the Indian Penal Code. Petitioner nos. 1 and 2 have got one criminal antecedent each whereas petitioner no. 3 has got no criminal antecedent.

3. As per the prosecution story, A.S.I. Prabhu Narayan Singh along with raiding party had gone to conduct raid with regard to non-bailable warrant issued by the Magistrate. It is alleged that the police party arrested the accused Tuneshwar Yadav from his house and when they were returning from there, all the



family members of Tuneshwar Yadav along with co-villagers in order to set Tuneshwar Yadav at free assembled there, abused the police party and pelted stones towards them. It is further alleged that the accused persons succeeded in escaping along with Tuneshwar Yadav.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegations are general and omnibus.

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

6. Having regard to the specific allegation that when the police arrested petitioner no.1 in connection with another case and he was being brought to the police station after his arrest, his family members indulged in causing assault on the police party, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.1. His prayer for anticipatory bail is, thus, refused.

7. In case the petitioner no.1 surrenders and prays for regular bail in the court below within a period of four weeks after Pooja Holidays, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. So far as petitioner nos. 2 and 3 are concerned, they have been named amongst 13 persons who are said to have been identified by local dafadar and chowkidar, however, no specific



overt act has been alleged against petitioner nos. 2 and 3, the allegations being general and omnibus in nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 2 and 3 above named be released on bail in connection with Bakhtiyarpur P.S. Case No. 191 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2 and 3 and in case at any stage it is found that the petitioner nos. 2 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2 and 3. 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.

10. This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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