

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64072 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- RAHUI District- Nalanda

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1. Mukesh Kumar @ Mukesh Yadav Son Of Bhajju Yadav Resident Of Village - Amba, P.S. - Rahui, District - Nalanda
 2. Bharat Yadav Son Of Sundar Yadav Resident Of Village - Amba, P.S. - Rahui, District - Nalanda
 3. Rambalak Yadav @ Balaka Yadav Son Of Pavitra Yadav Resident Of Village - Amba, P.S. - Rahui, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Raj Kishor Prasad, learned counsel for the petitioners as well as Mr. Satya Nand Shukla, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rahui P.S. Case No. 163 of 2023, F.I.R. dated 22.04.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, a quarrel took place between the informant and the accused persons and all the accused persons including these petitioners started felting stones



and bricks upon the informant and his family members. It is further stated that the accused persons also fired upon them.

4. Learned counsel for the petitioners submits that petitioner nos. 1 and 3 have clean antecedent and petitioner no. 2 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Rahui P.S. Case



No. 163 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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