

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66175 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- CHIRAIYA District- East Champaran

1. Lalu Prasad Yadav @ Lallu Yadav, Son Of Laxmi Narayan Yadav @ Lakshmi Narayan Prasad Yadav R/O Village- Bheriyahi, P.S.- Chiraiya, District- East Champaran
2. Jai Prakash Yadav @ Jai Prakash Prasad Yadav, Son Of Laxmi Narayan Yadav @ Lakshmi Narayan Prasad Yadav R/O Village- Bheriyahi, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of seven cases and petitioner no.2 has antecedent of three cases and the informant, who is a Junior Engineer, at Chiraiya Block, alleges that petitioners along with accused persons intercepted him and tried to forcefully sit in his vehicle, but he somehow managed to save himself by shelter in the house of the Mukhiya. Further, the accused persons including the petitioners threatened him and employees of MANREGA and pressurizes to do work against the



guidelines of MANREGA as detailed in the F.I.R. and thus, creates hindrance in the discharge of official duty.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that petitioner no.1 is a Member of Pachayat Samiti and petitioner no.2 is his brother. It is next submitted that no doubt, antecedent is a relevant factors while considering anticipatory or regular bail application, but then, antecedent solely should not be the ground for rejecting the bail application rather the allegation, as alleged, are also to be appreciated. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are general and omnibus in nature. It is further submitted that since petitioner no.1 is a Member of Panchayat Samit, as such, he came to be implicated in many such cases as the present one. It is next submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth and proving their innocence.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 4th A.C.J.M., Sikrahana at Dhaka, East Champaran in connection with Chiraiya P. S. Case No.151 of 2022/ G.R. Case No.238 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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