

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65774 of 2023**

Arising Out of PS. Case No.-83 Year-2023 Thana- ASHTHAWAN District-
Nalanda

- =====
1. REKHA DEVI W/O SHLOK YADAV @ ISALOK YADAV R/O VILLAGE-
MASIYA DIH, POST- ANDI, P.S- BIND, DISTT.- NALANDA(BIHAR).
 2. MANTU KUMAR @ MANTU YADAV S/O SHLOK YADAV R/O VILLAGE-
MASIYA DIH, POST- ANDI, P.S- BIND, DISTT.- NALANDA(BIHAR).
 3. AYUSH KUMAR @ PINKU YADAV S/O BHOLA YADAV R/O VILLAGE-
MASIYA DIH, POST- ANDI, P.S- BIND, DISTT.- NALANDA(BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr Abhijeet Gautam, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

The petitioners apprehend their arrest in connection
with Asthawan P.S. Case No. 83 of 2023 case registered for the
offence under Sections 147, 148, 149, 341, 342, 323, 337, 338,
307, 353, 504, 506, 427, 120(B), 114, 115, 151, 152, 109, 332,
333, 336, 143, 145, 356, 379, 186, 201, 435, 511, 414 of the
Indian Penal Code.

The petitioners along with other accused persons are
alleged to have misbehaved with the police force when they had



gone for verifying the tractor loaded with the illegal sand.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that informant has named 27 persons along with 100 unnamed persons and the petitioners are named in the F.I.R. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to the petitioners. Moreover, co-accused, Sanju Devi, Soni Devi, Anita Devi, Sanju Devi, Sonam Devi and Nitu Devi having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 13.09.2023 passed in Cr. Misc. No. 57684 of 2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-IV, Nalanda at Biharshariff in connection with Asthawan P.S. Case No. 83 of 2023 corresponding to G.R. No. 1668 of 2023, subject to the



conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

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

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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