

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68065 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- BARACHATTI District- Gaya

1. BABAN YADAV Son of Ram Prasad Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
2. SARABDEO YADAV Son of Ram Prasad Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
3. NAVIN YADAV Son of Baban Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
4. PREMAN YADAV Son of Baban Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
5. PRIYA DEVI Wife of Preman Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
6. RAJIYA DEVI Wife of Baban Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
7. RADHIYA DEVI Wife of Sarabdeo Yadav Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.
8. SANJU DEVI Wife of Navin Yadv Resident of Village-Makhraur, P.S.-Barachatti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Md. Javed Jafar Khan, learned counsel

for the petitioners and Mr. Navin Kumar Pandey, learned APP

for the State.

2. The petitioners are apprehending their arrest
connection with Barachatti P.S. Case No. 357 of 2023, F.I.R.
dated 09.04.2023 registered for the offences punishable under



Sections 147, 149, 323, 354, 307, 379, 504, 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the informant and their family members due to which they sustained injured.

4. Learned counsel for the petitioners submits that the petitioner nos. 5 to 8 having clean antecedents whereas petitioner nos. 1 to 4 carry one more case other than the present and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R., the petitioners have assaulted the informant and their family members and the family members of the informant received injury but the injury report of the family members of the informant suggests that although they have received injuries but all the injuries are simple in nature and there is case and counter case between the parties and both the parties are agnates and due to admitted land dispute, the present occurrence had taken place and there is no intention to kill the family members of the informant.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Sherghati, District- Gaya in connection with Barachatti P.S. Case No. 357 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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