

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71082 of 2023

Arising Out of PS. Case No.-190 Year-2021 Thana- NAUHATTA District- Saharsa

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1. Shyamnandan Yadav @ Shyam Yadav Son Of Late Ganga Prasad Yadav R/O Vill - Debka, Ward No. 02, P.S. - Nauhatta (O.P Darhar), Distt. - Saharsa
 2. Deepesh Kumar Yadav @ Dipesh Yadav Son Of Shyamnandan Yadav @ Shyam Yadav R/O Vill - Debka, Ward No. 02, P.S. - Nauhatta (O.P Darhar), Distt. - Saharsa
 3. Parasmani Kumar Yadav @ Paras Yadav Son Of Shyamnandan Yadav @ Shyam Yadav R/O Vill - Debka, Ward No. 02, P.S. - Nauhatta (O.P Darhar), Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Subesh Sharma, learned counsel for the petitioners and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nauhatta P.S. Case No. 190 of 2021, F.I.R. dated 13.12.2021 for the offences punishable under Sections 341, 323, 307, 379, 504, 354 and 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the grandfather of the informant by means of lathi, danda, farsa and other deadly weapons and also snatched gold chain of informant's mother and wrist watch of informant's father.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that the date of occurrence as alleged in the F.I.R is 06.12.2021 but the present F.I.R was instituted on 13.12.2021 i.e. after delay of about one week without giving any explanation of the said delay. He further submits that it appears from the F.I.R that there is specific allegation of assault against the co-accused, namely, Ashok Yadav and at best the petitioner no. 1, namely, Shyamnandan Yadav is the order giver. He further submits 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.

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

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class at Saharsa in connection



with Nauhatta P.S. Case No. 190 of 2021, 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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