

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75611 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- BAHERA District- Darbhanga

1. Vikash Yadav @ Vikash Kumar Rai, male, aged about 25 years, Son of Braj Kishore Yadav.
 2. Girdhari Yadav @ Girdhari Prasad Yadav, male, aged about 25 years, Son of Lal Yadav
- Both are resident of Village- Radhiyam, P.S- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Girish Chandra Jha, learned counsel appearing on behalf of the petitioners and Mr. Shyam Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bahera P.S. Case No. 283 of 2023 registered for the offence punishable under Sections 143, 341, 323, 308, 353, 385, 387, 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named in the FIR had demanded extortion from the informant and had stolen soil, iron and other building materials from the work site. Informant is the Managing Director of the construction company, namely, Koshi Infratech Private Limited



and in course of the same, the petitioners had assaulted the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and general and omnibus allegation has been levelled against them. Injury sustained by the informant is on vital part of the body but the same is simple in nature. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the FIR, it appears that general and omnibus allegation has been levelled against them. Injury sustained by the informant is on vital part of the body, however, the same is simple in nature. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount



each to the satisfaction of learned S.D.J.M. Benipur, Darbhanga, in connection with Bahera P.S. Case No. 283 of 2023, subject to the condition that petitioners will file their personal affidavit along with two respectable persons of the locality where they reside to the extent that they will not involve in any criminal activity in future and other conditions as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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