

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1273 of 2023

Arising Out of PS. Case No.-368 Year-2018 Thana- BANKA District- Banka

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1. SHYAM YADAV S/O RAGHUNANDAN YADAV R/V- MAJLISHPUR,
P.S.- BANKA, DISTRICT- BANKA
 2. LALU YADAV @ SHARAD YADAV S/O ASHOK YADAV R/V-
MAJLISHPUR, P.S.- BANKA, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No. 368 of 2018, registered for the offences punishable under Sections 147, 148, 149, 452, 323, 325, 307, 384, 385, 386, 379, 427, 504 and 506 of the Indian Penal Code.

The allegation is regarding the accused persons having arrived at the office of the informant, variously armed, whereafter they had looted a sum of Rs. 5,38,000/- and damaged JCB



machines, electric boards etc.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioner no. 1 is concerned, he is having a clean antecedent, however, petitioner no. 2 is an accused in seven other cases but he is on bail in all the said cases. The learned counsel for the petitioners has also submitted that the petitioners are not named in the FIR and their names have transpired subsequently in the present case and, moreover, no specific allegation has been levelled, regarding them having engaged in any sort of crime. As far as petitioner no. 2 is concerned, the learned counsel for the petitioners has submitted that he is ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory



bail by co-ordinate Benches of this Court vide order dated 24.07.2019 passed in Criminal Misc. No. 26193 of 2019 and vide order dated 20.09.2022 passed in Criminal Misc. No. 19858 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that firstly the petitioners are not named in the FIR and secondly, no specific allegations have been levelled against them by the informant, though I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to certain conditions, as far as the petitioner no. 2 is concerned.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court



below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 368 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner no. 2, namely, Lalu Yadav @ Sharad Yadav would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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