

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9863 of 2024

Arising Out of PS. Case No.-186 Year-2022 Thana- ROSERA District- Samastipur

1. Dinkar Yadav S/o Sitaram Yadav R/o Village - Dharampur Jakhar, P.S. - Rosera, Dist. - Samastipur
2. Amerika Devi W/o Dinkar Yadav R/o Village - Dharampur Jakhar, P.S. - Rosera, Dist. - Samastipur
3. Sajjan Yadav S/o Dinkar Yadav R/o Village - Dharampur Jakhar, P.S. - Rosera, Dist. - Samastipur
4. Buchi Devi @ Sunita Devi W/o Sajjan Yadav R/o Village - Dharampur Jakhar, P.S. - Rosera, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Pramod Kumar Singh, learned counsel

for the petitioners and Mr. Arun Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 186 of 2022, F.I.R. dated 06.06.2022 for the offences punishable under Sections 341, 323, 354, 379, 324, 307, 447, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his family members.

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 from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioner. He further submits that there is specific allegation of assault is attributed against Dilip Yadav, Dinkar Yadav, Amerika Devi, Sanjay Yadav and Buchi Devi. He further submits that the police after investigation submitted final form on 22.09.2022 and police have not found case true against these petitioners but the learned A.C.J.M.-I, Rosera differing from the police report and took cognizance against the petitioners under Sections 147, 149, 341, 323, 379, 307, 447, 504 and 506 of the Indian Penal Code vide order dated 18.03.2023.

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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Rosera, Samastipur in connection with



Rosera P.S. Case No. 186 of 2022, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 bonds 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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