

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10867 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- SAHAR District- Bhojpur

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1. Madan Yadav @ Madan Kumar son of Bihari Yadav @ Lal Bihari Yadav Village- Gardiha Ps- Sahar Dist- Bhojpur
 2. Ashok Yadav son of Bihari Yadav @ Lal Bihari Yadav Village- Gardiha Ps- Sahar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sahar P.S. Case No. 139 of 2023 for the offence registered under sections 147, 323, 341, 504, 506, 307 and 34 of the Indian Penal Code lodged on 14.08.2023 by the informant, Janeshwar Yadav.

3. As per the prosecution story, the informant alleged that his daughter-in-law had gone to field to plant paddy crop. However, due to previous dispute, Chandan Yadav and Pintu Yadav started abusing her. When she returned home and informed and the same was enquired, the accused persons



assaulted and removed Rs. 5,000/- from the pocket as also a locket. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that though there is a case and counter case, allegation is omnibus in nature and further there is delay of two days in lodging of the FIR.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they have criminal antecedent.

6. Taking into account the fact that there is a case and counter case and the delay of two days is there which has not been explained. From the order sheet, it is not clear whether any grievous injury has been found and in that background, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Bhojpur at Ara in connection with Sahar P.S. Case No. 139 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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