

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7482 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- BARHARA District- Bhojpur

1. Manegar Yadav Son of Bhuneshwar Yadav
2. Rajesh Yadav Son of Jiut Yadav. Both are Resident of Village- Saraiya, P.S.-
Barhara (Krisangarg), District- Bhojpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2024 Heard Mr.Manoj Kumar, learned counsel for the
petitioners and Mr.Kumar Veerendra Narayan, learned A.P.P. for
the State.

2. The petitioners are apprehending their arrest in
connection with Barhara (Krisangarh) P.S.Case No.229 of
2023, FIR dated 23.04.2023 registered for the offences
punishable under Sections 147,148,149,448,458,302 & 120(B)
of the Indian Penal Code and Section 27 of
Arms Act.

3. The prosecution case, in short, is that the present
FIR has been lodged at the instance of the informant Putul
Kumari alleging therein that on 22.04.2023 after having dinner
she went to sleep at about 10 PM in the house and her Father
Ghanshyam Yadav was sleeping at the Palani. In between 12:30-
1:00 AM on 23.04.2023 accused Amarnath Yadav, Om Nath



Yadav, Babloo Yadav, Anand Yadav, Manejar Yadav, Birendra Yadav, Manoj Yadav, Saroj Yadav, Rajesh Yadav, Priyanshu Kumar, Parmeshwar Yadav and three unknown assailants whom the informant could not identify came armed with weapons entered in the house and shot dead her father Ghanshyam Yadav. As per the informant last year also in November 2022 all the accused had set her house ablaze for which she lodged a case in the court. The accused were threatening her father to compromise the case else he would be murdered. The informant claimed that above named accused in order to put pressure to compromise the case have shot dead her father Ghanshyam Yadav.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the petitioners' side have already filed two FIRs bearing Barhara P.S.Case No.268 of 2021 and Barhara P.S.Case No.572 of 2022 against the informant and her family members and due to this reason the petitioners have falsely been implicated in the present case and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or



overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and in fact the informant is not the eye witness of the alleged occurrence and nothing has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR and apart from the aforesaid the petitioners are accused in Complaint Case No.76 of 2022 which was filed by the informant's side.

6. Considering the aforesaid facts, the informant is not the eye witness of the alleged occurrence and there is no specific allegation of any assault or overt-act attributed against the petitioners, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Barhara (Krisangarh) P.S.Case No.229 of 2023,



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 bonds 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 antecedents, 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)

Nitesh/-

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