

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13713 of 2024

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

1. Amarnath Yadav Son of Late Nageshwar Yadav Resident of Village- Saraiya, P.S.- Barhara (Krisangarg), District- Bhojpur
2. Omnath Yadav Son of late Nageshwar yadav 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 State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Rajani Ranjan Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioners, Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State as well as Mr. Rajani Ranjan Pd. Singh, learned counsel appearing on behalf of the informant.

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

3. According to prosecution case, petitioners along with other co-accused persons are said to have entered into the house of the informant and shot dead her father, namely



Ghanshyam Yadav.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that there is no specific allegation of any assault or overt act is attributed against these petitioners rather general and omnibus allegation levelled against all the accused persons including the petitioners. He further submits that from a bare perusal of the FIR it appears that the informant is not the eye witness of the present occurrence. He further submits that co-accused persons, namely, Manegar Yadav and Rajesh Yadav have been granted anticipatory bail vide order dated 03.04.2024 passed in Cr. Misc. No. 7482 of 2024.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carry one criminal antecedent other than the present one.

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 Chief Judicial Magistrate, Bhojpur at 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 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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