

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10327 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- BANDHUWA KURAWA District- Banka

1. KUNDAN YADAV @ KUNDAN KUMAR S/O SHIV NARAYAN YADAV
Resident of Village-Malsumia, P.S.-Bandhwa Kurabia, District-Banka.
2. PAPPU YADAV @ PAPPU KUMAR Son of Shiv Narayan Yadav Resident
of Village-Malsumia, P.S.-Bandhwa Kurabia, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bandhuwa Kuraba P.S. Case No. 27 of 2021 for the offence registered under sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code lodged on 07.06.2021 by the informant, Rajendra Yadav.

3. As per the prosecution story, the allegation is that the accused persons assaulted the informant, Rajendra Yadav and his family members and the specific allegation is against Sanjay Yadav of giving axe blow on the head of the informant and Pankaj Yadav assaulting the brother of the informant by



wooden rod. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that a bare perusal of the FIR would show that there is specific allegation against Sanjay Yadav and Pankaj Yadav, omnibus allegation is against the other accused persons and further they do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they were also part and parcel of the crime.

6. Taking into account the submissions put forward by the parties, the fact remains that the specific allegation is against Sanjay Yadav and Pankaj Yadav, omnibus allegation against these petitioners and do not have criminal antecedent, 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 Judicial Magistrate, 1st Class, Banka in connection with Bandhuwa Kurba P.S. Case No. 27 of 2021 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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