

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9955 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. Ashok Kumar Yadav S/O Late Ram Ashish Yadav R/O VILLAGE-TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
2. ASHARFI YADAV S/O LATE KISHAN YADAV R/O VILLAGE-TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
3. RAMGAYAN YADAV S/O LATE KISHAN YADAV R/O VILLAGE-TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
4. RAMBALAK YADAV S/O LATE KISHAN YADAV R/O VILLAGE-TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
5. REETA DEVI W/O RAMBALAK YADAV R/O VILLAGE- TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
6. REKHA DEVI W/O RAMGAYAN YADAV R/O VILLAGE- TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
7. DABLU KUMAR @ DABLU KUMAR YADAV S/O RAMGAYAN YADAV R/O VILLAGE- TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.
8. RINKU DEVI W/O ENDRAJEET YADAV R/O VILLAGE- TARALAH, PS. BAHADURPUR, DIST. DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 It has been informed by the learned counsel for the petitioners that petitioner No. 05 (Reeta Devi) has since been arrested and as such her anticipatory bail application be allowed to withdraw.

2. Accordingly, anticipatory bail application of



petitioner No. 5 (Reeta Devi) stands dismissed as withdrawn.

3. Heard the parties.

4. The petitioners are apprehending their arrest in connection with Bahadurpur P.S. Case No. 438 of 2023 for the offence under Sections 147, 148, 149, 341, 323, 225, 332, 336, 337, 307, 353 and 427 of the I.P.C. and under Section 27 of the Arms Act, lodged on 30.08.2023, by the informant, Rajnish Ranjan.

5. As per the prosecution story, it is alleged that upon secret information that accused persons namely Garthu Yadav and Abhinash Yadav, accused in Bahadurpur P.S. Case No. 216/2023 were present at home, the police raided the place. It is alleged that all the locals assembled and after abusing the raiding party resorted to stone pelting. They finally escaped alongwith the two other accused who were nabbed by the police. Accordingly, the FIR.

6. Learned counsel for the petitioners submits that they are locals, due to the raiding, they had gone to the place out of curiosity but have been named as accused which includes 24 other named accused and around fifty



unknown. Learned counsel for the petitioners further submits that all the accused persons will be cooperating in the investigation and diligently appearing in trial and further without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submits that they are ready to pay Rs. 2000/- each to the Chief Minister's Relief Fund.

7. Learned APP opposes the prayer stating that they have resorted to stone pelting and also assist to cover the accused persons.

8. Taking into account the submissions put forward by the parties as also the materials on record, omnibus allegation of stone pelting is against the petitioners, this Court is inclined to grant them the privilege of anticipatory bail subject to payment of Rs. 2,000/- each to the Chief Minister's Relief Fund, as undertaken by the learned counsel for the petitioners.

9. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



like amount each to the satisfaction of learned Sri Anurag Tiwari, JMFC, Darbhanga in connection with Bahadurpur P.S. Case No. 438 of 2023 subject to the conditions 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 (except petitioner Nos. 6 and 8) shall appear before the concerned police station every fortnight for next six months to mark his 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 the 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.



10. With the aforesaid observations, the
anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

