

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13502 of 2024

Arising Out of PS. Case No.-138 Year-2022 Thana- GAMAHARIYA District- Madhepura

Damodar Yadav S/O LATE NASIB YADAV VILLAGE- BHELWA, PS.-
GAMHARIYA, DISTT.-MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Gamhariya P.S. Case No. 138 of 2022 for the offence under sections 147, 148, 149, 323, 324, 325, 307, 379, 354A, 504 of the I.P.C. lodged on 05.07.2022 by the informant, Lalita Devi.

3. As per the prosecution story, the informant had alleged that when her husband was coming home from market, the accused persons intercepted and thereafter, assaulted. The specific allegations are against Arjun Yadav, Arun Yadav and Shivendra Yadav of having assaulted Brahamdev Yadav, Maheshwari Yadav and and Sahdev Yadav.

4. Learned counsel for the petitioner submits that though all of them have been implicated, omnibus allegation is



there, specific allegations are against Arjun, Arun and Shivendra. There is also a counter case which was lodged earlier by the petitioner's side, there is delay of eight days in lodging of the FIR.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submissions as also the fact that specific allegations are against Arjun, Arun and Shvendra, omnibus allegation is against this petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of 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 A.C.J.M.-II, Madhepura, in connection with Gamhariya P.S. Case No. 138 of 2022 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 petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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

(iv) the petitioner 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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