

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13545 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- TEYAR District- Bhojpur

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1. Nand Kishor Yadav SON OF LATE MAHARAJ YADAV RESIDENT OF VILLAGE- ANDHARIBAGH, PS- TIYAR DISTT- BHOJPUR
 2. VIJENDRA YADAV SON OF SHIVJEE YADAV RESIDENT OF VILLAGE- ANDHARIBAGH, PS- TIYAR DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 13561 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- TEYAR District- Bhojpur

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1. Lallu Yadav Son of srimanji Yadav @ Dara Yadav Resident of Village - Andharibagh, P.S.- Tiyar, District - Bhojpur.
 2. Pappu Samrat @ Pappu Yadav Son of Srimanji Yadav @ Dara Yadav Resident of Village - Andharibagh, P.S.- Tiyar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13545 of 2024)

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 13561 of 2024)

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Tiyar P.S. Case No. 67 of 2023 for the offence under sections 147, 148, 149, 323, 341, 307, 504 and 506 of



the I.P.C. and 27 of Arms Act lodged on 18.09.2023 by the informant, Dhirendra Kumar Singh.

3. As per the prosecution story, the informant upon information about assault and firing by the supporters of two groups, reached the place but taking advantage of the darkness, they escaped. In the light of the vehicle and electricity pole, the local Chowkidar identified the accused persons which included the petitioners. The cartridges and motorcycles left at the place were seized which followed the FIR.

4. Learned counsel for the petitioners submit that they have nothing to do in the matter and only because they have criminal antecedent, implicated. In such a big crowd, it is hard to believe that in the light of the vehicle and electric pole, the Chowkidar identified each and every accused persons.

5. Further, the submission is that without accepting the allegation, the petitioners intend to deposit Rs. 5,000/- each (totalling Rs. 20,000/-) with the Bihar State Legal Services Authority.

6. Learned APP opposes the prayer stating that all of them have criminal antecedent.

7. Taking into account the submissions put forward by the parties as also the perusal of the FIR which shows that there



is nothing specific against any accused persons, though they have criminal antecedent, considering the nature of allegation, it would be appropriate that they join the investigation and face the trial, so far as the anticipatory bail is concerned, the same is allowed subject to payment of Rs. 5,000/- each as undertaken by the learned counsel for the petitioners.

8. Let the petitioners 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Tiyaar P.S. Case No. 67 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 his/her 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 their 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.

(Rajiv Roy, J)

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