

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14608 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- CHANDAUTI District- Gaya

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1. RINKU YADAV @ RINKU KUMAR S/o Balchand Yadav
 2. BALCHAND YADAV S/o Late Ram Vishun Yadav
 3. RAM NARESH YADAV @ RAM NARESH KUMAR S/o Balchand Yadav
- All are R/o Village-Habbipur, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyaveer Jha, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr.Satyaveer Jha, learned counsel for the

petitioners and Mr.Ram Anurag Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chandauti P.S. Case No.108 of 2023, FIR dated 14.02.2023 registered for the offences punishable under Sections 341,504, 506, 323,308,379/34 of the Indian Penal Code.

3. The case of prosecution based on the written report of informant Ritesh Kumar in brief is that on 12.02.2023 at about 09:00 AM the informant was at his plot where the accused petitioners and other co-accused persons came and asked the



labour to stop the construction with threatening, then the informant asked them the reason to which the accused petitioner replied that without giving rupees five lakhs as extortion money no one can construct a house in the area, when the informant refused to pay the extortion money accused petitioner Rinku Yadav with intention to kill the informant assaulted on the head of the informant with revolver whereas rest accused persons also assaulted with different means, in this course the accused petitioners tried to press the neck of the informant and also took his belongings, when a few come to save the informant the accused persons also used criminal force against them.

4. Learned counsel for the petitioners submits that petitioner Nos.2 and 3 have clean antecedent and petitioner No.1 carries one more case other than the present one. They have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the land in question is in the name of the wife of petitioner No.1 and from a bare perusal of the Annexure-2 which is sale deed which was executed in favour of wife of petitioner No.1 which suggests that the informant has filed the false case against the petitioners and as per allegation in the FIR the petitioner No.1



has also assaulted to the informant and there is no specific allegation of any assault or overt-act attributed against petitioner Nos.2 and 3, although the informant has received injury but the injury report of the informant suggests that a cut wound above right eye-brow measuring 1.5''x .5''x .25'' and abrasion etc.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and nature of injury, let the petitioners, above named, in the event of their 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 bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Chandauti P.S. Case No.108 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 their absence on two consecutive dates without sufficient



reason, their bail bonds 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 antecedents, the court below shall take step for cancellation of bail bond 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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