

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16223 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- BANDHUWA KURAWA District- Banka

1. Nikesh Kumar @ Nikesh Kr. Yadav S/o Pradeep Yadav R/o VILLAGE - TIWARICHAK, POLICE STATION - BANDHUWA KURABA, DISTRICT - BANKA
2. Chandra Mohan Yadav S/o Late Kaleshwar Yadav R/o VILLAGE - TIWARICHAK, POLICE STATION - BANDHUWA KURABA, DISTRICT - BANKA
3. Pradeep Yadav S/o Late Kaleshwar Yadav R/o VILLAGE - TIWARICHAK, POLICE STATION - BANDHUWA KURABA, DISTRICT - BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard Mr. Ajay Mukherjee, learned Counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bandhuwa Kurawa P.S. Case No. 118 of 2022 for the offence registered under sections 341, 323, 307, 354(B), 379, 504 and 34 of the Indian Penal Code lodged on 29.12.2022 by the informant, Phool Kumari Devi.

3. As per the prosecution story, the informant alleged that due to land dispute, the petitioner and the co-accused came and after causing hurt to the informant, tried to outrage her modesty. When the other family members protested, they were



assaulted by '*lathi*'. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that there is omnibus allegation against all the accused persons. Further, petitioner nos. 2 and 3 are aged persons of 67 years and 65 years.

5. Learned APP for the State, on the other hand, points out that so far as the petitioner no. 1 is concerned, allegation of assault is on him, causing injuries to the informant's side and injury of Pawan Yadav has been found to be grievous in nature.

6. Considering the kind of allegation, this Court is/was not inclined to extend them the anticipatory bail, however, since the petitioner nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav respectively are aged persons of 67 years and 65 years, do not have criminal antecedent and will be facing the trial, a second thought has been given.

7. So far as the petitioner no. 1, Nikesh Kumar @ Nikesh Kumar Yadav is concerned, it would be appropriate that he seeks bail, his anticipatory bail application stands rejected.

8. Regarding the petitioner nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav solely taking into account their ages, this Court is inclined to extend them relief.

9. Let the petitioner nos. 2 and 3, namely, Chandra



Mohan Yadav and Pradeep Yadav respectively 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 Chief Judicial Magistrate, Banka in connection with Bandhuwas Kurawa P.S. Case No. 118 of 2022 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 petitioner nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav respectively, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav respectively 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 their Trial court itself;

(iii) the petitioner nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav respectively shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 and 3, namely, Chandra



Mohan Yadav and Pradeep Yadav respectively 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 nos. 2 and 3, namely, Chandra Mohan Yadav and Pradeep Yadav respectively shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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