

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26224 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

1. Pancham Yadav @ Dharmendra Kumar @ Dharmendra @ Pancham Son of Suresh Yadav @ Ram Suresh Yadav @ Ramsuresh Yadav Resident of Village- Saripur, Ps- Sandesh, Distt- Bhojpur At Ara
2. Gupta Yadav @ Gupta @ Sushil Kumar Son Of Suresh Yadav @ Ram Suresh Yadav @ Ramsuresh Yadav Resident Of Village- Saripur, Ps- Sandesh , Distt- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mr. Shashank Shekhar, learned counsel for the petitioners and Mr. Dinesh Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chandi P.S. Case No. 307 of 2023, F.I.R. dated 22.11.2023 registered for the offences punishable under Sections 147, 341, 342, 323, 332, 333, 307, 427 and 353 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other accused persons surrounded the police, jusing filthy language to them and started pelting bricks and stones. The pelted bricks and stones by them completely damaged the vehicle of the police and causing serious injury to the driver of



the vehicle.

4. Learned counsel for the petitioners submits that the petitioner no. 1 carries one more case other than the present one and petitioner no. 2 has clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegations against all the accused persons including the petitioners. He further submits that co-accused Ravish Kumar @ Abhishek Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 17855 of 2024, another co-accused Dablu Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 12.07.2024 passed in Cr. Misc. No. 30513 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation allegation of any



assault or overt against the petitioners rather there is general and omnibus allegation as well as co-accused persons have been granted the privilege of anticipatory bail by this Court, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No. 307 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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