

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21033 of 2024

Arising Out of PS. Case No.-226 Year-2022 Thana- JHAJHA District- Jamui

1. Mantu Yadav S/o Murari Yadav
2. Pawan Yadav @ Pawan Kumar Yadav S/o Talo Yadav
3. Lalan Yadav @ Lalo Yadav @ Lalan Kumar Yadav S/o Talu Yadav.
All Residents of village Karhara, P.S. - Jhajha, District Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Satya Prakash Parasar, learned counsel for the petitioners and Mr.Abhay Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jhajha P.S. Case No.226 of 2022, FIR dated 10.06.2022, registered for the offences punishable under Sections 147,149,448,341,323,307,354,385 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 10.6.2022 in the morning, the accused persons named in the F.I.R. after forming an unlawful assembly arrived at the house of the informant and they started to demand Rangdari of Rs.1,00,000/-



from the informant. The accused persons further started teasing the female members of family, and when the informant as well as his son Rupesh Kumar protested the aforesaid act of the accused persons, the accused persons suddenly caught hold of the son of the informant, Rupesh Kumar and have brutally assaulted him who is still under treatment. After the incident, the accused persons left the P.O. giving threatening to the informant that if the informant would lodge any case, he would face dire consequences. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and 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. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and co-accused person, namely, Munna Kumar @ Munna Yadav, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 09.11.2023 passed in Cr. Misc. No. 73862 of 2023.



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

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and co-accused person, namely, Munna Kumar @ Munna Yadav, against whom the similar allegation, has been granted 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 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No.226 of 2022, 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)

Nitesh/-

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