

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26271 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- RAJAOLI District- Nawada

1. Binod Yadav @ Binod Prasad Son of Budhadu Yadav, Resident of Village- Sakani Mohakma, P.S.- Rajauli, District- Nawada, Bihar.
2. Ravindra Yadav Son of Laxman Yadav, Resident of Village- Sakani Mohakma, P.S.- Rajauli, District- Nawada, Bihar.
3. Sunil Yadav Son of Prabhu Yadav, Resident of Village- Sakani Mohakma, P.S.- Rajauli, District- Nawada, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. State

Appearance:

For the Petitioners	:	Mr. Saurav Barial, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2024 Heard Mr. Saurav Barial, the learned counsel for the petitioners and Mr. Umesh Lal Verma, the learned Additional Public Prosecutor for the State.

2. Petitioners seeks regular bail and petitioner no. 1 is in judicial custody since 10.11.2023, petitioner no. 2 is in judicial custody since 30.09.2023 and petitioner no. 3 is in judicial custody since 10.11.2023, in connection with Rajauli P.S. Case No. 269 of 2023, FIR dated 04.05.2023, registered for the offences punishable under Sections 341, 323, 354, 308, 379, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, while the



informant and her son were returning home, the co-accused persons stopped them and started abusing them and upon informant's protest, the co-accused persons assaulted the informant and her son due to which they sustained injuries. It is further alleged that the co-accused persons took away earrings, a gold chain and mobile phone and demanded extortion of Rs. 1,00,000/- (rupees one lakh) each from the informant and her son otherwise they will be killed.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather the specific allegation of assault is attributed against the co-accused person namely, Lallu Yadav. He further submits that the police after investigation has submitted the charge sheet against the petitioners and petitioner no. 1 is in judicial custody since 10.11.2023, petitioner no. 2 is in judicial custody since 30.09.2023 and petitioner no. 3 is in judicial custody since 10.11.2023. He lastly submits that the co-accused persons namely, Mithilesh Yadav and Lallu Yadav @



Hemant Kumar have been granted the privilege of anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 74114 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the FIR that petitioners were involved in the present crime in question and apart from that petitioner no. 1 carries five criminal antecedents other than the present one, petitioner no. 2 carries five criminal antecedents other than the present one and petitioner no. 3 carries seven criminal antecedents other than the present one, all pertaining to excise matters.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation against the petitioners and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Nawada, in connection with **Rajauli P.S. Case No. 269 of 2023**, subject to the following conditions:



(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the trial Court 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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