

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25349 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- BAKHARI District- Begusarai

1. Hira Yadav @ Hiro Kumar @ Pintu Yadav S/o Naresh Yadav Resident of Village- Badiya, P.S.- Bakhari, Dist.- Begusarai
2. Rambadan Yadav Son of Late Dabbi Yadav Resident of Village- Akaha, P.S.- Bakhari, Dist.- Begusarai
3. Shankar Yadav @ Bechna Son of Late Hardeo Yadav Resident of Village- Akaha, P.S.- Bakhari, Dist.- Begusarai
4. Kundan Yadav Son of Late Hardeo Yadav Resident of Village- Akaha, P.S.- Bakhari, Dist.- Begusarai
5. Manoj Yadav Son of Late Rameshwar Yadav Resident of Village- Akaha, P.S.- Bakhari, Dist.- Begusarai
6. Shyam Sundar Yadav Son of Late Rameshwar Yadav Resident of Village- Akaha, P.S.- Bakhari, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2024 Heard Mr. Rambabu Yadav, learned counsel for the
petitioners and Mr. Mohammed Arif, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Bakhari P.S. Case No. 305 of 2023, F.I.R. dated 14.10.2023 registered for the offences punishable under Sections 341, 323, 342, 353, 504, 506, 120(B)/34 of the Indian Penal Code and Section 9 of the Bihar control of the use and play of Loudspeaker Act.

3. Allegation against the petitioners is that they along



with other co-accused persons were assembled before the Office of the Circle Officer and create nuisance and disturbing the function of the Circle Officer.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioners and other co-accused persons have assembled before the Office of the Circle Officer and create nuisance and disturbing the function of the Circle Officer. Learned counsel for the petitioners 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 allegation against the petitioners and at best they also the member of the mob.

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

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against the petitioners, 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 Sessions Judge, Begusarai in connection with Bakhari P.S. Case No. 305 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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