

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33344 of 2024

Arising Out of PS. Case No.-363 Year-2017 Thana- JHAJHA District- Jamui

Sanjay Yadav, S/o- Ishwar Yadav, Resident of Village- Bhurkudiya (Baijla)
P.S.- Jhajha, District- Jamui Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-08-2024 Heard Mr. Rajesh Kumar Sinha, learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jhajha P.S. Case No. 363 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 448, 354(A), 324, 307 and 504 of the Indian Penal Code. In paragraph '3' of his application, the petitioner has stated that he is an accused in six cases, however, he is on bail in all the six cases. It is submitted that those cases are arising out of land disputes between the co-sharers.

3. As per the prosecution story, on 07.11.2017 at about 10:00 am, while the informant was making dung cake, in the meantime, Sanjay Yadav (this petitioner) along with several other FIR named accused persons and four unknown persons came in search of her husband, namely, Sadhu Yadav and when he was

not found, one Sanjay Yadav (petitioner), Vikash Yadav and Chiraugi Yadav took the informant inside the house and snatched gold chain from her neck. It is alleged that Vikash assaulted the informant by an iron rod on her head due to which she suffered cut injury. It is further alleged that the accused persons also took away a box containing Rs. 25,000/- and she was threatened not to lodge a case, otherwise her husband will be killed.

4. Learned counsel for the petitioner submits that considering the entire facts and circumstances of the case, this Court has granted privilege of pre-arrest bail to four petitioners in Criminal Miscellaneous No. 77984 of 2023 vide order dated 10.01.2024. It is submitted that this petitioner had also been given benefit of Section 41A Cr.P.C. during investigation and the learned A.D.J.-I, Jamui has observed in the impugned order that on record, there is no service report of summons or bailable warrants issued against the petitioner.

5. Mr. Md. Fahimuddin, learned APP for the State is present but he does not make any substantial submission to oppose the application of the petitioner.

6. Having regard to the submissions made on behalf of the petitioner and the observations of the learned court below in the impugned order as also that this Court has earlier allowed privilege of pre-arrest bail to some of the accused in Criminal

Miscellaneous No. 77984 of 2023 and nothing has been pointed out by learned APP for the State to show that the case of the present petitioner would stand on a different footing, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Jhajha P.S. Case No. 363 of 2017 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner had concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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