

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31381 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Bijendra Yadav Son of Late Pahari Yadav Resident of Village- Hira Tola,
Ward No. 01, P.O. Rahimpur, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 31710 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Rahul Yadav Son of Shri Bijendra Yadav Resident of Village- Hira Tola, Ward
No. 01, P.O.- Rahimpur, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 31381 of 2024)

For the Petitioner/s : Mr.Ganga Prasad Bimal, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 31710 of 2024)

For the Petitioner/s : Mr.Ganga Prasad Bimal, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr.Ganga Prasad Bimal, learned counsel for

the petitioners and Mr.Brajendra Nath Pandey, learned A.P.P. for

the State in both the applications.

2. The petitioners seek bail, who are in custody since

20.02.2024, in connection with Sahebpur Kamal P.S.Case

No.131 of 2022, F.I.R. dated 15.05.2022 registered for the



offence punishable under Section 147,149,342,307,353,337,338 and 504 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant alleged that the FIR named accused persons including the petitioner and 10-15 unknown persons assaulted the police including the informant with bricks to defy the execution of public order and causing serious injuries to the informant.

4. Learned counsel appearing for the petitioners submits that the petitioners 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 and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and co-accused person, namely, Kanhaiya Yadav, against whom the similar allegation, has been granted bail by this Court vide order dated 13.04.2023 passed in Cr. Misc. No.73895 of 2022 and another co-accused person, namely, Birbal Yadav has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 01.05.2023 passed in Cr. Misc. No.6738 of 2023 and co-accused, namely, Pinki Devi has



been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 06.02.2023 passed in Cr. Misc. No.55761 of 2022 and the petitioners are in custody since 20.02.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that petitioner, namely, Bijendra Yadav carries three more cases other than the present one but fairly submits that he is on bail in all the cases and petitioner, namely, Rahul Yadav carries two more cases other than the present one and he is also on bail in both the cases, as mentioned in para-3 of both the applications.

6. Considering the aforesaid facts, let the petitioners, above named, 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 Addl. District and Sessions Judge-II, Begusarai in connection with Sahebpur Kamal P.S.Case No.131 of 2022, with the 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 bond 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 antecedent, 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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