

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32671 of 2024

Arising Out of PS. Case No.-288 Year-2022 Thana- RAJAON District- Banka

1. Anil Yadav son of Lakhan Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka
2. Sanjay Yadav Son of Late Jagdish Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka
3. Mukesh Yadav Son of Late Surendra Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka
4. Nirmal Yadav Son of Dinesh Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka
5. Rajesh Yadav Son of Late Mahesh Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka
6. Rupesh Yadav Son of Girilal Yadav Resident of Village- Parghari, Police Station- Rajoun, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rajoun P.S. Case No. 288 of 2022 instituted under Sections 341, 323, 307, 427, 504, 506, 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.6.2022 by the informant, Manoj Singh.

3. As per the prosecution story, the allegation is that 'Baarat' of the son of this petitioner was proceeding with loud noise of the D.J., it was objected by the informant who was



sleeping on the terrace but those in the 'Baarat' under the intoxication of liquor and waiving pistol, opened fire. The informant also brought out his license gun and opened fire as also informed the Police. The Police came and the FIR lodged.

4. Learned counsel for the petitioners submit that the exaggerated FIR has been lodged, there was minor issue due to loud volume of D.J. which has been given a different colour. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 2000/- each to the Chief Minister's Relief Fund, Bihar and will diligently appear in trial.

5. Learned APP opposes the prayer.

6. Taking into account submissions put forward by the parties as also that the petitioners who using the loud music will have to face the other kind of music due to lodging of the FIR, they undertook to face trial diligently, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2000/ each by the petitioners to the Chief Minister's Relief Fund.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rajoun P.S. Case No. 288 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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