

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33877 of 2024

Arising Out of PS. Case No.-546 Year-2023 Thana- KONCH District- Gaya

1. Pramod Yadav @ Pramod Kumar Surendra Yadav R/O VILLAGE- DABUR TOLA, BISHUN BIGHA, P.S. KONCH, DIST- GAYA
2. BUDHANI DEVI WIFE OF SURENDRA YADAV R/O VILLAGE- DABUR TOLA, BISHUN BIGHA, P.S. KONCH, DIST- GAYA
3. DEEPAK YADAV @ DEEPAK KUMAR S/O SURENDRA YADAV R/O VILLAGE- DABUR TOLA, BISHUN BIGHA, P.S. KONCH, DIST- GAYA
4. MAHESH YADAV @ BHAROSHI @ MAHESH KUMAR S/O SURENDRA YADAV @ SURITH YADAV R/O VILLAGE- DABUR TOLA, BISHUN BIGHA, P.S. KONCH, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisu Zzoha, Advocate
		Mrs. Rabiya Gulnaz Advocate
For the Opposite Party/s :		Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard Mrs. Rabiya Gulnaz learned counsel for the petitioners and Mr. Ram Sumiran Rai, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Konch P.S. Case No. 546 of 2023 registered under Sections 147,148,149,341,323,447,307,379/34 of the Indian Penal Code lodged on 20.11.2023 by the informant, Surendra Yadav.

3. As per the prosecution story the informant alleged that when he was going to purchase pooja articles, the accuseds were engaged in erecting boundary and when his son objected to



it, they resorted to assault. While some of the accused were pelting stones from the roof top, allegation against Ramesh Yadav is of giving '*khanti*' blow on the head of her son, causing injury and the son was taken to Primary Health Centre, Buxar for treatment. Further allegation against these petitioners is of snatching the chain. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there is case and counter case, the main allegation is against Ramesh Yadav, only to implicate, the allegation of snatching the chain has been incorporated against Pramod Yadav @ Pramod Kumar (petitioner no 1), petitioner no 2 is an aged lady while other accused persons (petitioner nos 3 and 4) have been implicated because they are only family members.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the allegation of snatching of chain is there.

6. Taking into account the aforesaid facts as also the case and counter case, the petitioners have clean antecedent and the specific allegation is against Ramesh Yadav, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt



of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C Gaya in connection with Konch P.S. Case No. 546 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner 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 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 their bail bonds;

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

(Rajiv Roy, J)

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