

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40872 of 2024

Arising Out of PS. Case No.-89 Year-2022 Thana- SANJHOLI District- Rohtas

1. Praduman Yadav S/O Krishna Yadav R/O Village Tendua, P.O. Siaruan, P.S. Sanjhauli Distt Rohtas, Bihar 802220
2. Situ Yadav @Rituraj Kumar @Sintu Yadav @Pintu Yadav S/O Ramjee Yadav R/O Village Tendua, P.O. Siaruan, P.S. Sanjhauli Distt Rohtas, Bihar 802220
3. Pramod Paswan S/O late Hrida Paswan R/O Village Tendua, P.O. Siaruan, P.S. Sanjhauli Distt Rohtas, Bihar 802220

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Tiwari, Advocate

Mr. Mukesh Kumar, Advocate

For the State : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard Mr. Nityanand Tiwari, learned counsel for

the petitioners and Dr. Mrityunjay Kr. Gautam, learned APP for

the State.

2. The petitioners are apprehending their arrest in connection with Sanjhauli P.S. Case No. 89 of 2022 for the offence under Sections 147, 148, 341, 323, 324, 325, 307 and 427 of the I.P.C. under Section 27 of the Arms Act lodged on 25.05.2022 by the informant, Rajesh Singh.

3. As per the prosecution story, the allegation is that due to small issue, free fight took place between the parties which resulted into injuries on both sides. So far as petitioner



no. 1 and 2 namely Praduman Yadav and Situ Yadav are concerned, the allegation of opening fire is attributed to them which however did not hit anyone. Against the petitioner no. 3, Pramod Paswan, there is allegation of damaging motorcycle and throwing it in the sewer.

4. Learned counsel for the petitioner submits that a perusal of the F.I.R would show that only to implicate everyone, the roles attributed. In any case, no injury is attributed to the alleged firing so far as, the petitioner no. 1 and 2 is concerned. Regarding the petitioner no. 3, in the fight the motorcycle was fallen in the sewer, again the role of damaging has been alleged.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged damages to motorcycle, the petitioner no. 3 on his own would like to contribute towards the damages of Rs.2,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer submitting that allegation of firing and damaging the motorcycle is attributed against these petitioners.



7. Taking into account the aforesaid facts as also that no injury has been alleged due to the firing of the petitioner no.1 and 2 and regarding the petitioner no. 3, the allegation is of damaging the motorcycle, he on his own is making of payment despite the allegation not proved, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Bikramganj (Rohtas) at Sasaram, in connection with Sanjhauli P.S. Case No. 89 of 2022 subject to the conditions 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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

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