

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40279 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

1. Vishuni Yadav Son of Late Sukhi Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
2. Bhusan Yadav Son of Harinandan Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
3. Chunchun Kumar @ Karu Kumar Son of Avdhesh Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
4. Anoj Kumar @ Guddu Kumar Son of Kamdev Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
5. Rahul Kumar Son of Late Adalat Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
6. Ankush Kumar Son of Shyamdev Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
7. Vipin Kumar @ Bipin Kumar Son of Rajo Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura
8. Praveen Kumar Son of Rajo Yadav Resident of Village- Puraina, P.S- Korma, Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rizwanul Haque, Adv.
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in
connection with Korma P.S. Case No. 16 of 2023 for the offence
registered under sections 147, 148, 149, 341, 342, 323, 324,
325, 354, 379, 427, 307, 302 and 120(B) of the Indian Penal



Code and section 27 of the Arms Act lodged on 28.01.2023 by the informant Pankaj Kumar.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and assaulted him as also the father, Ram Pravesh Yadav mercilessly. Allegation of assault is specific against Kamdeo Yadav, Sanjay Yadav, Shyamdeo Yadav, Ranjeet Yadav and Rajo Yadav. The merciless assault continued which was extended to his brother, Ravish Kumar and sister, Anita Kumari as also the informant's wife, Puja Kumari. They further damaged the tractors, the injured were taken to the hospital where the father, Ram Pravesh Yadav died. Accordingly, the FIR.

4. It is the case of the petitioners that specific allegation is against Kamdeo Yadav, Sanjay Yadav, Shyamdeo Yadav, Rajeet Yadav and Rajo Yadav. Against these petitioners final form was submitted but subsequently the cognizance has been taken necessitating the present petition. Further submission is that one of the similarly situated accused person has been granted relief in Cr. Misc. No. 76676 of 2024 (Ramdeo Yadav v. State of Bihar)

5. Learned counsel for the informant as also learned APP, on the other hand, oppose the prayer submitting that the



trial is now at the fag end. To this, learned counsel for the petitioners submits that if the relief is granted, they will diligently be appearing in the trial on each and every date and failure to do so, the learned trial court shall be free to cancel the bail bond.

6. Considering the aforesaid facts as also that the main allegation is against Kamdeo Yadav, Sanjay Yadav, Shyamdeo Yadav, Rajeet Yadav and Rajo Yadav, earlier the final form was submitted against these petitioners but later cognizance has been taken, they do not have criminal antecedent and further have undertaken to appear diligently in the trial, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, above named, 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 Smt. Ritu Kumari, Judicial Magistrate, 1st Class, Sheikhpura/the court concerned in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-



(i) one of the bailors should be the family members/relatives 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 appear before the concerned police station every fortnight till conclusion of the trial to mark their attendance;

(iv) 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;

(v) 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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