

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41153 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- PARASBIGHA District- Jehanabad

1. Sinku Kumar @ Rahul Raj S/o Devendra Yadav Resident of Village- Madil Chak, P.S.- Parsbigha, District-Jehanabad.
2. Lalu Yadav @ Rohit Kumar S/o Satendra Yadav Resident of Village- Madil Chak, P.S.- Parsbigha, District-Jehanabad.
3. Sanni Yadav @ Sanni Kumar S/o Devendra Yadav Resident of Village- Madil Chak, P.S.- Parsbigha, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Amrendra Kumar Singh, learned counsel for the petitioners, Mr. Manoj Kumar Singh, learned counsel for the Informant and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Parasbigha P.S. Case No. 252 of 2023, F.I.R. dated 16.12.2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and later on Sections 147, 148 and 307 of the Indian Penal Code was added.

3. Allegation against the petitioners is that they along



with other co-accused persons assaulted the informant and his family members by means of lathi, danda and iron rod as a result of which informant, his son and nephew sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against co-accused person Prabhu Yadav that he assaulted the informant, his son and nephew and there is no specific allegation of any assault or overt act attributed against these petitioners.

5. Learned counsel for the Informant and learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and with the common intention to kill they along with other co-accused persons have



assaulted the informant and their family members.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act against these petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st, Jehanabad in connection with Parasbigha P.S. Case No. 252 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 antecedents, 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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