

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40864 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- AGIAON District- Bhojpur

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1. Lallu Yadav @ Lallu Kumar Yadav Son of Bihari Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 2. Pappu Yadav @ Pappu Kumar Son of Bihari Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 3. Vikash Yadav @ Vikash Kumar @ Vivek Kumar Son of Bihari Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 4. Manish Yadav @ Manish Kumar Singh Son of Surendar Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 5. Manoj Yadav @ Manoj Kumar Singh Son of Late Lakhandev Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 6. Baharan Yadav @ Raj Kumar Singh Son of Bhola Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur
 7. Shadu Yadav @ Jay Kumar Singh Son of Late Jhansi Yadav, R/O Vill.- Keshavpur, P.S.- Narayaupr, Dist.- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey (App84)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Prabhat Kumar Singh, the learned counsel
for the petitioners and Mr. Arvind Kumar Pandey, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Agiaon (Garahani) PS Case No. 4 of 2024, FIR
dated 13.01.2024, registered for the offences punishable under
Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal



Code and under Section 27 of Arms Act.

3. According to the prosecution case, the co-accused persons made a bonfire near bundle of stray of the informant and upon objection of the informant's brother, the co-accused persons assaulted the informant and his brother. It is further alleged that the co-accused persons also made indiscriminate firing, but somehow the informant and his brother managed to escape.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to some ulterior motive. He further submits that upon perusal of the FIR, it appears that FIR is in two parts; in the first part, there is general and omnibus allegation against all the accused persons including the petitioners and in the second part, there is specific allegation that the co-accused person namely, Saroj Yadav has assaulted to the informant by means of iron-rod, apart from that, there is case and counter case between the parties.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and mainly the fact that petitioners have clean antecedent and there is general and omnibus allegation against these petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara, where the case is pending in connection with **Agiaon (Garahani) PS Case No. 4 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial



Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court 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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