

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40641 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- BIHAR District- Nalanda

1. Yogindar Yadav @ Yogendra Prasad @ Yogendra Yadav Son of Late Doman Yadav R/O Meerganj, P.S.- Bihar, Dist.- Nalanda
2. Hariom Yadav @ Hariom Prakash Son of Late Doman Yadav R/O Meerganj, P.S.- Bihar, Dist.- Nalanda
3. Pawan Yadav Son of Late Doman Yadav R/O Meerganj, P.S.- Bihar, Dist.- Nalanda
4. Lalan Yadav Son of Late Doman Yadav R/O Meerganj, P.S.- Bihar, Dist.- Nalanda
5. Gaurelal Yadav @ Gorelal Yadav @ Ved Prakash Kumar Son of Hariom Yadav @ Hariom Prakash R/O Meerganj, P.S.- Bihar, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, APP
For the Informant :	Mr. Rajeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Ms. Usha Kumari Singh, learned counsel for the petitioners, Mr. Rajeev Kumar, learned counsel appearing on behalf of the informant as well as Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during pendency of this application the petitioner no. 4, namely, Lalan Yadav has been arrested. Hence, the present application has become infructuous with respect to petitioner no. 4.

3. Learned counsel for the petitioners seeks



permission to withdraw this application with respect to petitioner no. 4.

4. Permission is accorded.

5. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 4 as having become infructuous.

6. The petitioners (except petitioner no. 4) are apprehending their arrest in connection with Bihar P.S. Case No. 236 of 2024, F.I.R. dated 27.03.2024 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

7. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and his family members by means of *lathi-danda*. It is further alleged that the co-accused, Golu Kumar has fired upon the informant with an intention to kill him.

8. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. She further submits that the F.I.R. is in two parts,



according to part one there is general and omnibus allegation against all the accused persons including these petitioners and according to part two there is specific allegation of firing attributed against the co-accused, namely, Golu Kumar. She further submits that the date of occurrence as alleged in the F.I.R is 26.03.2024 but the present F.I.R has been instituted on 27.03.2024.

9. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

10. Considering the aforesaid facts and circumstances and the that the petitioners have clean antecedent and there is no allegation of any assault or overt act attributed against them rather there is general and omnibus allegation against all the accused persons, let the petitioners (except petitioner no. 4), above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 326 of 2024, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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 bond shall be cancelled by the Court below.
- ii. If the petitioners tampers 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 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 antecedent, 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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