

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46544 of 2024

Arising Out of PS. Case No.-145 Year-2023 Thana- PARBATTI District- Khagaria

1. Pinkesh Kumar @ Pikko Yadav S/O Dabo Yadav, R/O Village- Muradpur, P.S.-Parbatta, Distt- Khagaria.
2. Raushan Kumar @ Raushan Yadav S/O Chhango Yadav, R/O Village- Muradpur, P.S.-Parbatta, Distt-Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jai Kishor Poddar, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Jai Kishor Poddar, the learned counsel

for the petitioners and Mr. Bhanu Pratap, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Parbatta PS Case No. 145 of 2023, FIR dated

04.04.2023, registered for the offences punishable under

Sections 341, 323, 325, 379, 356, 385, 504, 506, 448 and

354(B) read with Section 34 of the Indian Penal Code. Later on

Section 307 of the Indian Penal Code was also added.

3. According to the prosecution case, five FIR named

accused persons came at the door of the informant and started

abusing her and upon her objection they assaulted her and her



family members. It is further alleged that they snatched her golden chain and her son's mobile.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners, rather there is general and omnibus allegations against all the accused persons including these petitioners. He lastly submits that the co-accused persons namely, Prashant Yadav and Saurabh Kumar Yadav have been granted the privilege of anticipatory bail by this Court vide order dated 18.04.2024, passed in Cr. Misc. No. 19083 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no. 1 carries one criminal antecedent other than the present one, however, he fairly admits that petitioner no. 1 is on bail in the pending matter. He also submits that petitioner no. 2 has clean antecedent.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against these petitioners and other



co-accused persons have been granted the privilege of anticipatory bail, 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 Sub-Divisional Judicial Magistrate, Khagaria, where the case is pending in connection with **Parbatta PS Case No. 145 of 2023**, 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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