

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51401 of 2024

Arising Out of PS. Case No.-134 Year-2018 Thana- GAYA MUFASIL District- Gaya

1. Rajesh Yadav Son of Sitaram Yadav Resident of Village - Belhanti, P.S.- Mufassil, District - Gaya.
2. Sitaram Yadav Son of Late Raghunath Yadav Resident of Village - Belhanti, P.S.- Mufassil, District - Gaya.
3. Ram Pravesh Yadav Son of Late Raghu Yadav Resident of Village - Belhanti, P.S.- Mufassil, District - Gaya.
4. Shankar Yadav Son of Sitaram Yadav Resident of Village - Belhanti, P.S.- Mufassil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Muffassil P.S. Case No. 134 of 2018 for the offence under Sections 147, 341, 323, 325, 307 and 379 of the I.P.C. lodged on 25.04.2018 by the informant, Renu Devi.

3. As per the prosecution story, the informant alleged that while she was at her home, the accused persons armed variously came and started assaulting. The allegation mainly is against Kapil Yadav, Shambhu Yadav and Haridwar Yadav of using Khanti/iron rod to assault on her head causing injuries,



further assault resulted in fracture of the left hand, allegation against Baijnath Yadav and Mahesh Yadav of using *khanti* to assault. Further allegation is against petitioner no. 1 Rajesh Yadav of flashing revolver threatening the villagers not to come near the assault site or they will also be taken care of. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that specific allegation is against Kapil Yadav, Shambhu Yadav, Haridwar Yadav, Baijnath Yadav and Mahesh Yadav. So far as petitioner no. 1 Rajesh Kumar is concerned, the only allegation of flashing the revolver is attributed to him and regarding other three petitioners, the submission is that though due to enmity, their presence has been shown, no role has been assigned and it will be assumed that the charge is omnibus in nature and there is delay in lodging of the FIR.

5. Learned APP opposes the prayer stating that though petitioner no. 4 do not have criminal antecedent, the petitioner nos. 1, 2 and 3 have criminal history.

6. Taking into account the submissions as also the specific role assigned to the named accused, so far as the anticipatory bail of petitioner no. 1 Rajesh Yadav is concerned, the same is rejected.



7. So far as the petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) are concerned, considering that omnibus allegation of assault is there, no further role has been attributed to them, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) be released on bail in the event of their 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 learned CJM, Gaya in connection with Muffassil P.S. Case No. 134 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) who shall provide official document to show their bona fide;

(ii) the petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav)



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 petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) 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 petitioner no. 2 (Sitaram Yadav), petitioner no. 3 (Ram Pravesh Yadav) and petitioner no. 4 (Shankar Yadav) 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)

Adnan/-

U		T	
---	--	---	--

