

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59436 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BARHARA District- Bhojpur

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1. Deepak Kumar Yadav @ Deepak Yadav Son of Jag Mohan Yadav R/O Vill.- Bhagwanpur Ke Dera, P.s.- Barhara, Dist.- Bhojpur.
 2. Akhilesh Yadav @ Arvind Gosh Son of Patiram Yadav @ Atiram Yadav R/O Vill.- Bhagwanpur Ke Dera, P.s.- Barhara, Dist.- Bhojpur.
 3. Anil Yadav Son of Baliram Yadav R/O Vill.- Bhagwanpur Ke Dera, P.s.- Barhara, Dist.- Bhojpur.
 4. Azad Yadav Son of Siya Ram R/O Vill.- Bhagwanpur Ke Dera, P.s.- Barhara, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Priya
		Mr. Prabhat Kumar Singh
For the Opposite Party/s :		Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 384, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of two cases, petitioner no.3 has antecedent of one case and petitioner no.4 has antecedent of three cases and



the informant alleges that on 07.01.2024, he went on his land on which Jitendra runs his brick kiln, when accused persons along with the petitioners came variously armed, thereafter Rakesh snatched the bag from Jitendra which contained Rs.75,500/- for distributing to labourers and ordered to kill Jitendra, on which Dipak and Ramesh caught the informant while Manoj assaulted him by an iron rod causing injury on head and when Hareram, Bharat, Raj Kishore and Jitendra tried to save the informant, then Rajesh, Akhilesh and Harendra assaulted them by rod and lathi, thereafter, all accused persons pelted stones and demanded extortion of Rs.5 Lacs and Vivek fired.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the petitioners, though against Deepak, it is alleged that he caught the informant, but then, the allegation of assaulting the informant is against Manoj. It is also submitted that the injury suffered by the injured on account of assault by Manoj is simple in nature and the blow was not repeated. It is further submitted that though Jitendra has not been made an accused in the instant case, but then, the dispute was in between the informant and Jitendra for the reason that informant wanted his land back from



Jitendra on which he was running his brick kiln. It is further submitted that no doubt, the petitioners have antecedent, but then, in the nature of allegation as alleged in the FIR, it would manifest that allegation against them is general and omnibus in nature. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara P. S. Case No.14 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. one of the bailors of the petitioners shall be their respective fathers i.e. Jag Mohan Yadav, Patiram Yadav @ Atiram Yadav, Baliram Yadav and Siya Ram Yadav.

7. The application stands allowed.



8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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