

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60510 of 2024

Arising Out of PS. Case No.-242 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

1. Dipak Kumar Yadav @ Dipak Yadav Son of Brajesh Kumar @ Brajesh Yadav @ Birendra Yadav Village- Pohaddi Bela, Police Station- Ghanshyampur, District- Darbhanga
2. Shivam Kumar @ Shivam Yadav Son of Brajesh Kumar @ Brajesh Yadav @ Birendra Yadav Village- Pohaddi Bela, Police Station- Ghanshyampur, District- Darbhanga
3. Raroj Kumar @ Saroj Yadav Son of Ram Yadav Village- Pohaddi Bela, Police Station- Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Prasad, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Ghanshyampur P.S. Case No. 242 of 2020 for the offence under Sections 341, 323, 447, 384, 354, 307, 504, 427, 506 and 34 of the Indian Penal Code lodged on 04.10.2024 by the informant, Arun Kumar.

3. As per the prosecution story, allegation is that the accused persons surrounded and while Arun Kumar and Kumar Kanhaiya tried to pull a rope around his neck, others assaulted. He was rushed to the Government Hospital, Ghanshaympur, which followed the F.I.R.



4. Learned counsel for the petitioners submit omnibus allegation has been made against all the accused persons, they being student, have no criminal antecedent, are ready to diligently appear in trial. Further, submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute to the informant towards the medical assistance of Rs.10,000/- each (Totaling Rs.30,000) through Demand Draft issued by the local State Bank of India branch to be submitted before the Trial Court to be handed over to the informant after checking credentials.

5. Learned APP opposes the prayer for bail submitting that omnibus allegation is/are there against the accused persons.

6. Considering the submissions put forward by the parties as also the fact that omnibus allegation is against all the persons, one of the co-accused Gajendra Yadav has been extended relief in Cr. Misc. No.50569 of 2022, the petitioners have no criminal antecedent, have undertaken to diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- each (Totaling Rs.30,000/-) as undertaken by the



learned counsel for the petitioner to be paid to the informant by Demand Draft of local State Bank of India before the Trial Court to be handed over to the informant.

7. Let the petitioners be released on bail in the event of 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 Additional Chief Judicial Magistrate-III, Biraul, Darbhanga, in connection with Ghanshyampur P.S. Case No. 242 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(iv) the petitioners 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 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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