

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65839 of 2024

Arising Out of PS. Case No.-368 Year-2015 Thana- WAJIRGANJ District- Gaya

1. Babita Devi Wife of Pintu Yadav Resident of Village - Paharpur, Police Station - Wazirganj, District - Gaya
2. Rupa Kumari Wife of Fantush Yadav Resident of Village - Paharpur, Police Station - Wazirganj, District - Gaya
3. Parwati Devi Wife of Rajendra Yadav Resident of Village - Paharpur, Police Station - Wazirganj, District - Gaya
4. Rajendra Yadav Son of Late Chhedi Yadav Resident of Village - Paharpur, Police Station - Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Aryan Singh, learned counsel for the petitioners and Mr. Rabindra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Wazirganj P.S. Case No. 368 of 2015, F.I.R. dated 04.09.2015 for the offences punishable under Sections 147, 341 and 302 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted to the brother of the informant due to which he died.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners. He further submits that specific allegation of assault is attributed against the co-accused person, namely, Pintu Yadav and petitioners are only members of the mob.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioners, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Wazirganj P.S. Case No. 368 of 2015, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 bonds 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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