

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75434 of 2023**

Arising Out of PS. Case No.-283 Year-2023 Thana- SHEKHPURA District- Sheikhpura

1. RAMLAGAN YADAV son of Chhotu Yadav Village- Nemdarganj Ps- Sheikhpura Dist- Sheikhpura
2. Rudal Yadav son of Ramlagan Yadav Village- Nemdarganj Ps- Sheikhpura Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      07-03-2024                      The affidavit portion is not in compliance with the Patna High Court Rules inasmuch as date of the person who had put the affidavit on oath is missing and in that background, a cost of Rs. 1,000/- is imposed upon the learned Counsel for the petitioner which shall be paid to the Patna High Court Legal Services Committee.

2. Heard Mr. Sheo Nandan Prasad, learned Counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in connection with Sheikhpura (Hatiyawan O.P.) P.S. Case No. 283 of 2023 for the offence registered under sections 379, 120(B), 420, 506, 504 and 34 of the Indian Penal Code lodged on 10.05.2023 by



the informant, Sandeep Kumar.

4. As per the prosecution story, the informant has alleged that his truck was in a non-working condition parked on the side of the road for years but on the fateful day, he came to know through the S.M.S. that it has crossed the Toda Toll Plaza, Keoti. Upon calling the petitioner no. 2, Rudal Yadav, he was evasive in the reply as such, he had suspicion that Rudal Yadav, his father and other accused persons conspired to take the truck away. Accordingly, the FIR.

5. Learned Counsel for the petitioners submit that they are related to the informant, Rudal Yadav being '*fuffa*' and only to implicate, this case.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that Rudal Yadav being driver of the truck cannot escape the responsibility as how the parked truck crossed the Toll Plaza without any information to the informant.

7. Taking into account the aforesaid facts so far as the petitioner no. 2, Rudal Yadav is concerned, the allegation that has come against him, it would be appropriate that he seeks bail, his anticipatory bail application stands rejected.



8. So far as the petitioner no. 1, Ramlagan Yadav is concerned, he is father of Rudal Yadav, no specific allegation is against him as also he has no criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 1,000/- to the Patna High Court Legal Services Committee and the receipt thereof is/are to be submitted before the concerned Court.

9. Let the petitioner no. 1, Ramlagan Yadav in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Sheikhpura in connection with Sheikhpura (Hatiyawan O.P.) P.S. Case No. 283 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 1, Ramlagan Yadav, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 1, Ramlagan 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 his bail bond by the Trial court itself;



(iii) the petitioner no. 1, Ramlagan Yadav shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 1, Ramlagan 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. 1, Ramlagan Yadav shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

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