

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74114 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- RAJAOLI District- Nawada

1. Binod Prasad @ Binod Yadav Son Of Late Budhu Yadav Resident Of Village - Mohkama, P.S. - Rajauli, District - Nawada
2. Ravindra Yadav Son Of Laxman Yadav @ Lakshman Prasad Yadav Resident Of Village - Mohkama, P.S. - Rajauli, District - Nawada
3. Mithilesh Yadav Son Of Laxman Yadav @ Lakshman Prasad Yadav Resident Of Village - Mohkama, P.S. - Rajauli, District - Nawada
4. Lallu Yadav @ Hemant Kumar Son Of Laxman Yadav @ Lakshman Prasad Yadav Resident Of Village - Mohkama, P.S. - Rajauli, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Pramod Kumar Verma, learned counsel
for the petitioners and Mr. Shantanu Kumar, learned A.P.P. for
the State.

2. Learned counsel for the petitioner seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner nos.1 & 2.

3. Permission is accorded.

4. Accordingly, present anticipatory bail application
stands dismissed as withdraw with respect to petitioner nos. 1 &
2. Now, this application survives only with respect to petitioner



nos. 3 & 4.

5. Heard Mr. Pramod Kumar Verma, learned counsel for the petitioners and Mr. Shantanu Kumar, learned A.P.P. for the State.

6. The petitioners are apprehending their arrest in connection with Rajauli P.S. Case No. 269 of 2023, F.I.R. dated 04.05.2023 for the offences punishable under Sections 341, 323, 354, 308, 379, 504, 506 and 34 of the Indian Penal Code.

7. According to prosecution case, the petitioners are said to have assaulted the informant and her family members.

8. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner no.3 has clean antecedent and petitioner no.4 carries one more criminal antecedent other than the present one but he is on the bail in the pending matter. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation attributed against all the accused persons including the petitioners. He further submits that due to admitted land dispute the present occurrence has taken place.

9. The learned Additional Public Prosecutor, on the



other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.4 carries one criminal antecedent other than the present one but fairly submits that he is on the bail in the pending matter.

10. Considering the aforesaid facts and circumstances, let the petitioner nos. 3 & 4, 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 C.J.M. Nawada, in connection with Rajauli P.S. Case No. 269 of 2023, 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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