

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77984 of 2023

Arising Out of PS. Case No.-363 Year-2017 Thana- JHAJHA District- Jamui

1. Ishwari Yadav S/o Hari Yadav Village- Bhurkudiya (Baijla), PS. Jhajha, Dist. Jamui
2. Bhuneshwar Yadav S/o Ishwari Yadav Village- Bhurkudiya (Baijla), PS. Jhajha, Dist. Jamui
3. Bajrangi Yadav S/o Ishwari Yadav Village- Bhurkudiya (Baijla), PS. Jhajha, Dist. Jamui
4. Ajay Yadav S/o Ishwari Yadav Village- Bhurkudiya (Baijla), PS. Jhajha, Dist. Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Jhajha P.S. Case No. 363 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 448, 354(A), 324, 307 and 504 of the Indian Penal Code. They have got four criminal antecedents.

3. As per the prosecution story, on 07.11.2017 while the informant was making dung cake, in the meantime the accused persons, including the petitioners, came in search of his husband and when he was not found, they took the informant



inside the house and snatched gold chain from her neck. It is alleged that Vikash assaulted by an iron rod on her head due to which she suffered cut injury. It is further alleged that the accused persons also took away a box containing Rs. 25,000/- and she was threatened not to lodge a case otherwise her husband will be killed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no allegation of committing any overt act against these petitioners. It is further submitted that the petitioners had been given benefit of Section 41A Cr.P.C. during investigation and the learned A.D.J-I, Jamui has observed in the impugned order that on record, there is no service report of the summons or bailable warrants issued against the petitioners

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it has been noticed that so far these petitioners are concerned, there is no allegation that they had indulged in commission of any overt act and further they they had been given benefit of Section 41A Cr.P.C. during investigation and



that the learned A.D.J-I, Jamui has observed in the impugned order that on record there is no service report of the summons or bailable warrants issued against the petitioners, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Jhajha P.S. Case No. 363 of 2017 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 bond 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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