

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74300 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- TRIVENIGANJ District- Supaul

1. Hari Narayan Yadav @ Hari Narayan Thakur S/O Bihari Yadav Resident Of Village- Mayurwa, Ward No 04, Police Station-Triveniganj, Distt.- Supaul.
2. Yogendra Yadav @ Yogendra Kumar Yadav S/O Sitaram Yadav Resident Of Village- Mayurwa, Ward No 04, Police Station-Triveniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Arun, learned counsel for the petitioners
and Mr. Anil Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Triveniganj P.S. Case No. 282 of 2021, F.I.R. dated 01.09.2021 registered for the offences punishable under Sections 143, 147, 149, 342, 341, 323, 302, 120B, 201, 379 of the Indian Penal Code.

3. There is allegation of causing murder of brother of informant along with other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegations as alleged in the F.I.R. is false and fabricated and the



petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioners have been implicated in the present case. He further submits that police after investigation submitted the final form and the name of the petitioners have not sent up for trial but the learned Magistrate differing with the final form has taken cognizance against the petitioners vide order dated 15.06.2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R.

6. Considering the aforesaid facts, the petitioners having clean antecedents and the name of the petitioners has been transpired on the basis of suspicion and the police has not sent the name of the petitioners for sent up the trial, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Supaul in connection with Triveniganj P.S. Case No. 282 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



following conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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