

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76676 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KORMA District- Sheikhpura

RAMDEO YADAV sonof Gendhari Yadav Village- Puraina Ps- Korma Dist-
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard learned Counsel for the petitioner, State and
the Informant.

2. The petitioner apprehends his arrest in connection with Korma P.S. Case No. 16 of 2023 for the offence registered under sections 147, 148, 149, 341, 342, 323, 324, 325, 354, 379, 427, 307, 302 and 120(B) of the Indian Penal Code and section 27 of the Arms Act lodged on 28.01.2023 by the informant Pankaj Kumar.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and assaulted him as also the father, Ram Pravesh Yadav mercilessly. Allegation of assault is specific against Kamdeo Yadav, Sanjay Yadav, Shyamdeo Yadav, Ranjeet Yadav and Rajo Yadav. The merciless assault continued which was extended to his brother,



Ravish Kumar and sister, Anita Kumari as also the informant's wife, Puja Kumari. They further damaged the tractors, the injured were taken to the hospital where the father, Ram Pravesh Yadav died. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation has been made against Kamdeo Yadav, Sanjay Yadav, Shyamdeo Yadav, Ranjeet Yadav and Rajo Yadav. So far as this petitioner is concerned, the name is there in the FIR because he is related to the accused, no role has been attributed to him. Further, the counter case of the petitioner's side is prior to the present case vide Korma P.S. Case No. 15 of 2023. The last submission is that he do not have criminal antecedent.

5. Learned Counsel on behalf of the informant submits that all the accused persons armed variously assaulted the informant as also his family members including the father who subsequently succumbed to the injury, as such he opposes the prayer.

6. Though unfortunate incident took place, specific allegation has been made against named accused persons, as stated above, no role has been attributed to this petitioner, he do not have criminal antecedent, this Court is inclined to extend



him privilege of anticipatory bail.

7. Let the petitioner 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 Judicial Magistrate-1st Class, Sheikhpura in connection with Korma P.S. Case No. 16 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, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 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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