

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80947 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- BELDOUR District- Khagaria

1. Arvind Yadav S/O Fahim Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.
2. Rawen Yadav @ Navin Yadav S/O Fahim Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.
3. Rupesh Yadav S/O Fahim Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.
4. Daulat Kumar S/O Fahim Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.
5. Fahim Yadav S/O Late Sukhdeo Yadav @ Bhuto Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.
6. Reshmi Devi W/O Fahim Yadav Village- Pirnagra, P.S. Beldaur, Dist. Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Amar Kumar Singh, learned counsel for

the petitioners and Mr. Kalyan Shankar, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Beldaur P.S. Case No. 139 of 2023, F.I.R. dated
22.06.2023 registered for the offences punishable under Section
341, 447, 325, 307, 379, 504/34 of the Indian Penal Code and
Section 27 of the Arms Act.



3. Prosecution case, in brief, is that the accused persons along with five unknown persons armed with lathi, danda and spade by forming unlawful assembly surrounded informant and fired indiscriminately and thereafter sons of informant and his nephew came for rescue then accused persons assaulted them also. It is further alleged that the accused persons again assaulted with lathi, danda, iron rod and butt of pistol consequently as a result of which they sustained head injury.

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 there is case and counter case between the parties and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and as per allegation in the F.I.R. the accused persons namely Arvind Yadav, Rawen Yadav and Rupesh yadav have fired upon the informant but he has not received any injury.

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



6. Considering the facts and circumstances of the case, 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Beldaur P.S. Case No. 139 of 2023, 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)

Ibrar//-

U		T	
---	--	---	--

