

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83294 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. DILIP YADAV @ DILIP KUMAR Son of Rameshwar Yadav
 2. Praveen Kumar Son of Surendra Yadav
 3. Dharmendra Kumar @ Baudha Yadav Son of Rameshwar Yadav
All R/o vill - Hariyo, P.S. - Magadh Medical, Dist. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Shashikant, learned counsel for the
petitioners and Mr.Ramesh Chandra, learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Magadh Medical P.S.Case No.108 of 2023, FIR dated 08.03.2023 registered for the offences punishable under Sections 147,148,149,341,323,307,337,379 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution has initiated on the basis of written report of informant Kajal Singh, is that on 08.03.2023 at about 06:30 PM her entire family was celebrating Holi at Shiv Mandir, in the mean time the accused petitioners and co-accused persons named in the F.I.R. armed with weapon



committed criminal trespass in the house of the informant and started looting house hold items, the informant made a protest then co-accused Raushan Kama and Abhishek Kamar assaulted with iron rod causing head injury to the informant, the mother-in-law of the informant came to protect the informant then the accused persons started brick-batting, co-accused Vijay Kumar Singh snatched gold chain from the neck of the informant whereas co-accused person snatched Mangal Sutra of the informant, in the mean time the family embers of be informant rushed to the place of occurrence to which co-accused Prince Kumar, Kuldeep Yadav and Pradeep Yadav and co-accused Neeraj Kumar and Suraj Kumar made firing from country made pistol and on arrival of police the police has seized four cartridges from the place of occurrence.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against the petitioners and there is specific allegation of assault attributed against co-accused persons, namely, Raushan Kumar, Abhishek Kumar, Pradeep



Kumar and Prince Kumar and the co-accused person, namely, Vijay Kumar Singh has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order 24.08.2023 passed in Cr. Misc. No.44367 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that petitioner No.1 carries two more cases, petitioner No.2 carries five more cases and petitioner No.3 carries one more case other than the present one.

6. Considering the aforesaid facts, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya in connection with Magadh Medical P.S. Case No.108 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 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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