

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.560 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MANSI District- Khagaria

1. Om Prakash Yadav S/o Late Kamleshwari Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
2. Pramod Yadav S/o Om Prakash Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
3. Manoj Yadav S/o Late Kamleshwari Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
4. Anil Yadav S/o Late Kamleshwari Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
5. Ranjeet Yadav S/o Late Kamleshwari Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
6. Rahul Yadav @ Rahul kumar S/o Anil Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
7. Pinkesh Yadav S/o Pramod Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
8. Balak Yadav S/o Manoj Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.
9. Bhaskar Yadav S/o Manoj Yadav Resident of Village - Rohiyar, P.s. Mansi, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Mansi P.S. Case No. 262 of 2023 instituted under Sections 147, 148, 149, 307 and 504 of the Indian Penal Code and section 27 of the Arms Act lodged on 25.8.2023 by



the informant, Surendra Yadav.

3. As per the prosecution story, the informant has alleged that while he was putting his house in order, the accused persons armed variously came and at the exhortation of Om Prakash, the accused persons opened fire. The specific allegation is against Ajit Yadav that he opened fire which hit the lower side of the right leg of the informant. It was only after the presence of the villagers, he could be saved. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that though number of the accused persons of the petitioner's side has been implicated, specific role has been assigned to Ajit Yadav that he opened fire which hit the informant's leg. The further submission is that none of the petitioners have criminal antecedents.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that role of opening fire has been assigned to Ajit Yadav, as per the statement made in para-3 none of the petitioners have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event



of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Mansi P.S. Case No. 262 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;

(vi) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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