

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1435 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- BAGHA District- West Champaran

- 1. Rameshwar Yadav S/O Late Bikau Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.
- 2. Pramod Yadav S/O Rameshwar Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.
- 3. Jaychand Yadav @ Jaichandra Yadav S/O Rameshwar Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.
- 4. Niraj Yadav S/O Rameshwar Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.
- 5. Munna Yadav @ Munna Kumar S/O Rameshwar Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.
- 6. Pappu Yadav @ Pappu Kumar S/O Pramod Yadav R/O Village- Juda Pakari, Ps. Bhairoganj, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate
For the State : Mr. Md. Fahimuddin, APP
For the Informant : Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Bagaha (Bhairoganj) P.S. Case No.577 of 2023 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code. The petitioners are accused in the cases stated in paragraph ‘3’. It is stated that the petitioner nos.1, 2 and 4 have got four criminal antecedents whereas petitioner no.3 has got two

criminal antecedents as per description provided in the said paragraph.

3. As per the prosecution story, on 06.08.2023 the informant was going to his new house and when he reached near the house of Pramod Yadav (petitioner no.2), he abused him. On objection raised by the informant, all the named accused persons assaulted him by lathi and iron rod. Pramod Yadav (petitioner no.2) assaulted the informant by iron rod due to which he sustained fracture injury in his right leg. It is further alleged that Niraj Yadav (petitioner no.4) assaulted the informant by lathi causing fracture injury in his right hand. During the course of assault, Jai Chand Yadav (petitioner no.3) and Pappu Yadav (petitioner no.6) snatched a gold chain from the neck of the informant and also took out Rs.15,000/- in cash from his pocket.

4. Learned counsel for the petitioners submits that these petitioners were not accused in the murder case of Valmiki Yadav but even if the FIR is taken on its face value, it would appear that the allegation of assault has been made only against Pramod Yadav (petitioner no.2) and Niraj Yadav (petitioner no.4), so far as other petitioners are concerned, there is no allegation of commission of overt act against them. It is submitted that it is a case of over implication of the accused.

5. It is further submitted that the parties are having land

dispute and the brother of the informant has earlier lodged Bagaha (Bhairoganj) P.S. Case No.330 of 2023 against the petitioners.

6. Learned counsel for the petitioners further submits that in this case FIR has been lodged on 17.08.2023 only and the petitioners are seeking their remedy in the anticipatory bail but in a hurry, in order to somehow deprive the petitioners from availing their remedy of pre-arrest bail, process under Section 82 Cr.P.C. has been initiated.

7. Learned counsel for the Informant has though opposed the prayer for pre-arrest bail of the petitioners but at the end of his submission, he has made a statement that the specific allegations are only against petitioner nos.2 and 4 and so far as other petitioners are concerned, the allegations against them are general and omnibus and the allegations are that of commission of theft.

8. Having regard to the facts and circumstances of the case, so far as the prayer for pre-arrest bail of the petitioner nos.2 and 4 is concerned, this Court is not inclined to grant them privilege of anticipatory bail. Their prayer is refused.

9. In case the petitioner nos.2 and 4 surrenders and prays for regular bail in the learned court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the

order of this Court.

10. There being general and omnibus allegation against the petitioner nos.1, 3, 5 and 6, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos.1, 3, 5 and 6 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st, Bagaha, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 577 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. And further condition that the court below shall verify the criminal antecedent of the petitioner nos.1, 3, 5 and 6 and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. 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.

12. This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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