

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.789 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- AZIMABAD District- Bhojpur

1. Sachin Kumar Son Of Ashok Yadav Resident Of Village- Mahendaura, P.S.- Azimabad, District Bhojpur At Ara.
2. Rasbihari Yadav Son Of Ashok Yadav Resident Of Village- Mahendaura, P.S.- Azimabad, District Bhojpur At Ara.
3. Shyam Bihari @ Shyam Bihari Yadav Son Of Ashok Yadav Resident Of Village- Mahendaura, P.S.- Azimabad, District Bhojpur At Ara.
4. Sanjay Yadav Son Of Chandrika Yadav @ Chandrik Yadav Resident Of Village- Mahendaura, P.S.- Azimabad, District Bhojpur At Ara.
5. Raj Kumar Yadav Son Of Chandrika Yadav @ Chandrik Yadav Resident Of Village- Mahendaura, P.S.- Azimabad, District Bhojpur At Ara.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alka Singh, Advocate Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 The anticipatory bail application with regard to petitioner no. 2, namely, Rasbihari Yadav has already been dismissed as withdrawn vide order dated 29.01.2024.

2. Heard Mr. Alka Singh, learned counsel for the petitioner, Mr. Md. Ataul Haque, learned counsel appearing on behalf of the informant as well as Mr. Manoj Kumar, learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioner seeks permission to withdraw this application with respect to petitioner nos. 3 and



4, namely, Shyam Bihari @ Shyam Bihari Yadav and Sanjay Yadav, respectively, as they have already been arrested, so the present application with regard to petitioner nos. 3 and 4 has become infructuous.

4. Permission is accorded.

5. Accordingly, this application stands dismissed as withdrawn with respect to petitioner nos. 3 and 4.

6. The petitioners (petitioner nos. 1 and 5) are apprehending their arrest in connection with Azimabad P.S. Case No. 67 of 2023, F.I.R. dated 10.08.2023 for the offences punishable under Sections 147, 149, 448, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code.

7. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the informant and his son due to which both of them have sustained injuries.

8. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that from perusal of the F.I.R it appears that the date of occurrence is 05.08.2023 but the present F.I.R has been



instituted on 10.08.2023 i.e. after delay of 5 days without giving any explanation of the said delay only to falsely implicate the petitioners. He further submits that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

9. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and they have participated in the present crime in question and apart from that petitioner no. 1 carries one criminal antecedent and petitioner no. 5 carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the cases.

10. Considering the aforesaid facts and circumstancest, let the petitioners (petitioner nos. 1 and 5 only), above named, in the event of 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 the learned Chief Judicial



Magistrate, Bhojpur at Ara in connection with Azimabad P.S.
Case No. 67 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 bond shall be cancelled by the Court below.
- ii. If the petitioners tampers 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 antecedent, 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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