

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.401 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- DEODHA District- Madhubani

1.

SURESH YADAV @ SURESH KUMAR YADAV SON OF RAM PRAKASH YADAV @ PRAKASH YADAV RESIDENT OF VILLAGE-AMATOL USRAHI, P.S.- DEODHA, DISTRICT- MADHUBANI.
2.

RAM PRAKASH YADAV @ PRAKASH YADAV SON OF NARAYAN YADAV RESIDENT OF VILLAGE- AMATOL USRAHI, P.S.- DEODHA, DISTRICT- MADHUBANI.
3.

RAMESH KUMAR YADAV @ RAMESH YADAV SON OF RAM PRAKASH YADAV @ PRAKASH YADAV RESIDENT OF VILLAGE-AMATOL USRAHI, P.S.- DEODHA, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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29-01-2024

Heard Mr. Gagandeo Yadav, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Deodha P.S. Case No. 72 of 2023 for the offence under Sections 341, 342, 353, 427, 379, 504 and 506 of the I.P.C. lodged on 03.08.2023 by the informant, Pankaj Kumar.

3. As per the prosecution story, the



informant/Government Officer has alleged that the petitioners are in the habit of cutting the soil causing damage to the canal every now and then. As the same story was repeated on 22.06.2023, it was captured in the photograph. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that despite the allegation of damaging the canal on 22.06.2023, it is surprising that the FIR has been lodged on 03.08.2023. Further they have a land nearer to the canal and naturally their photograph can be taken while they are present on their own land. With the ill motive they have been implicated, all of them are family members. Further, submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on their own would like to contribute to the Government Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch payable to the Kamla Canal Sub-division, Arer Shivar, Jaynagar, which will be submitted before the learned trial court.

5. Learned APP opposes the prayer stating that as per the allegation they are repeating the said offence again



and again.

6. Taking into account the delay in lodging of the FIR coupled with the fact that none of the petitioners have criminal antecedent, FIR lodge and they will ultimately be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Kamla Canal Sub-division, Arer Shivar, Jaynagar, as undertaken by the learned counsel for the petitioners.

7. Let the petitioners be released on bail in the event of their arrest or surrender 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 like amount each to the satisfaction of learned J.M.-1st, Madhubani in connection with Deodha P.S. Case No. 72 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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