

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1828 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Sanjay Yadav Son Of Sifatlal Yadav Resident Of Village Turki Larhaiya,
P.S.- Bakhtiyarpur, District- Saharsa
 2. Sushil Yadav Son Of Chandra Kishor Yadav Resident Of Village Turki
Larhaiya, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Vivekanand Singh, learned counsel for
the petitioners and Mr. Parmanand Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bakhtiyarpur P.S. Case No. 241 of 2023, F.I.R.
dated 11.05.2023 for the offences punishable under Sections
147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian
Penal Code and Section 27 of Arms Act.

3. According to prosecution case, allegation against
these petitioners that they have snatched the money from the son
of the informant.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that there is no specific allegation of any assault or overt act against these petitioners rather the allegation against them is that they have snatched the money from the son of the informant and although also snatched the golden chain from the son of the informant.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, they have clean antecedent and there is no specific allegation of any assault or overt act, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 241 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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