

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6565 of 2024

Arising Out of PS. Case No.-275 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. Gayatri Devi W/o Shambhu Yadav R/o vill - Raghunia, ward no. 6, P.S. - Kumarkhand, Distt - Madhepura
2. Raja Kumar @ Prins Kumar Son of Shambhu Yadav R/o vill - Raghunia, ward no. 6, P.S. - Kumarkhand, Distt - Madhepura
3. Manish Kumar Son of Umesh Yadav R/o vill - Jadia, P.S. - Jadia, Distt. - Supaul
4. Bhupendra Yadav Son of Late Mahavir Yadav R/o vill - Raghunia, ward no. 6, P.S. - Kumarkhand, Distt - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Alok Kumar Singh, the learned counsel
for the petitioners and Mr. Rajiv Nayan, the learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kumarkhand PS Case No. 275 of 2022, FIR dated
10.08.2022, registered for the offences punishable under Sections
341, 342, 323, 307, 379, 354(B), 427, 504 and 506 read with
Section 34 of the Indian Penal Code.

3. According to prosecution case, the FIR named
accused persons came at the land of the informant and started
destroying all the crops and when the informant told them not to



do so, upon the order of petitioner no. 1, the FIR named accused persons assaulted the informant and other persons.

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 upon perusal of the FIR, it appears that petitioner no. 1 is the order giver and there is no specific allegation of any assault or overt act attributed against these petitioners, rather the specific allegation of assault is attributed against the co-accused persons namely, Mukesh Kumar and Kistu Kumar.

5. The 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 and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate-1st Class, Madhepura, where the case is pending in connection with **Kumarkhand PS Case No. 275 of**



2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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