

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21942 of 2024

Arising Out of PS. Case No.-695 Year-2021 Thana- SHERGHATI District- Gaya

1. Krishna Yadav @ Krishndeo Yadav S/O Buttu Yadav
2. Rajesh Yadav S/O Krishndeo Yadav
3. Raju Yadav S/O Krishndeo Yadav
4. Bishundeo Yadav S/O Buttu Yadav
5. Rajdeo Yadav S/O Krishndeo Yadav
6. Arbind Kumar S/O Kishori Yadav
7. Suranjan Yadav S/O Kishori Yadav
8. Kishori Yadav S/O Chandradeo Yadav
9. Pradip Yadav S/O Arjun Yadav
10. Mantu Yadav S/O Arjun Yadav
11. Rinku Yadav @ Ramakant Yadav S/O Sadhu Sharan Yadav.
All R/O Village- Sherpur, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2025 Heard Mr.Vijay Kumar, , learned counsel for the

petitioners and Ms.Sangeeta Sharma, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sherghati P.S.Case No.695 of 2021, FIR dated
31.10.2021 registered for the offences punishable under
Sections 341,323,324,325,147,149,307,504 and 506 of the
Indian Penal Code.



3. As per F.I.R. allegation against the petitioners is that they along with other co-accused persons armed with lathi-danda, Tangi, Khanti assaulted the informant and others at time of campaigning of Panchayat Election, due to which several victims have sustained severe head and other body parts injuries.

4. Learned counsel for the petitioners submits that petitioner Nos.1 to 8 and 11 have clean antecedent and petitioner Nos. 9 and 10 carries one more case other than the present one and they are on bail in the said case. They have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and the present case is counter blast of Sherghati P.S.Case No.205 of 2020 which was filed by petitioner No.10 against the informant and others and only to compromise in the aforesaid case, the present occurrence had taken place. Although petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. There is specific allegation of assault attributed against co-accused person, namely, Pramod



Yadav that he assaulted to Devrup Yadav and injury report of said Devrup Yadav suggests that the injury is grievous in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against the petitioners and there is specific allegation of assault attributed against co-accused person, namely, Pramod Yadav, let the petitioners, above named, in the event of their 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 learned A.C.J.M., Sherghati at Gaya in connection with Sherghati P.S.Case No.695 of 2021, 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 bonds 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 antecedents, 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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