

Arising Out of PS. Case No.-208 Year-2024 Thana- SALAKHUA District- Saharsa

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

2 16-05-2025 1. Learned counsel for the petitioners seeks permission to withdraw this bail application with respect to petitioner no.4, namely, Shyam Yadav.

2. Permission is granted.

3. Accordingly, the bail application stands dismissed as withdrawn with respect to petitioner no.4, namely, Shyam Yadav.

4. Heard Mr. Binod Kumar Sinha, learned counsel for the petitioners and Mr. Umeshanand Pandit, learned Additional Public Prosecutor for the State.



5. The petitioners are apprehending their arrest in connection with Salkhua P.S. Case No.208 of 2024, F.I.R. dated 12.09.2024 for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 117(2), 109, 305, 351(2), 352, 3(5) of Bharatiya Nyay Sanhita, 2023.

6. According to prosecution case, the informant alleged that on 07.09.2024, when he was shuttering the iron for construction of residential house through laborers, the petitioners and other accused persons came and started abusing and when the informant and his father protested, they assaulted them. On the same day, at 8:30 pm when the informant and his father were returning to the house, the petitioners along with other accused persons surrounded them and assaulted them.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault against the petitioners rather specific allegation of assault is against co-accused person, namely, Shyam Yadav and similarly situated co-accused persons namely, Raja Kumar @ Raj Kumar and Mukesh Kumar has



been granted anticipatory bail by co-ordinate bench of this Court vide order dated dated 14.05.2025 in Cr.Misc. No.18039 of 2025.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is case and counter case between the parties and there is no specific allegation against these petitioners and the similarly situated co-accused persons have been granted anticipatory bail, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M 1st Class, Saharsa in connection with Salkhua P.S. Case No.208 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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