

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46183 of 2025

Arising Out of PS. Case No.-1268 Year-2023 Thana- SHERGHATI District- Gaya

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1. Nageshwar Yadav S/o Suraj Yadav R/o Village-Ghodjara Baiju Bigha,P.S-Sherghati,District- Gaya
 2. Jay Yadav S/o Suraj Yadav R/o Village-Ghodjara Baiju Bigha,P.S-Sherghati,District- Gaya
 3. Kamla Devi @ Shanti Devi W/o Jay Yadav R/o Village-Ghodjara Baiju Bigha,P.S-Sherghati,District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-07-2025 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioners and Ms. Rita Verma, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 1268 of 2023, F.I.R. dated 23.02.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 448, 506 of Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, the allegation against the petitioners is that they along with other accused persons assaulted the informant's family members. It is further



alleged that the accused persons entered into the house of victim Mamta Kumari and assaulted her and one of the accused tried to disrobe her modesty and the accused persons also fired six round at the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter cause between the parties and due to admitted land dispute the present occurrence has taken place. From bare perusal of the FIR it appears that there is no specific allegation of assault or firing attributed against these petitioners rather the allegation against them are general and omnibus and specific allegation of assault is attributed against co-accused persons, namely, Devraj Yadav and Kamlesh Yadav and they have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court vide order dated 30.04.2025 in Cr.Misc.No. 21850 of 2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners are named in the FIR and they have one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that they are on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or firing attributed against these petitioners rather specific allegation of assault is attributed against co-accused persons and they have been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, 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 A.C.J.M-I, Sherghati, Gaya in connection with Sherghati P.S. Case No. 1268 of 2023, 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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