

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69307 of 2024

Arising Out of PS. Case No.-402 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Wokil Yadav @ Vakeel Yadav @ Aokil Yadav Son Of Late Ramotar Yadav R/O-Belwara Ward No-13 P.S- Simri Bakhtiyarpur, Dist-Saharsa
 2. Avren Yadav @ Amrendra Yadav Son Of Late Ramotar Yadav R/O-Belwara Ward No-13 P.S- Simri Bakhtiyarpur, Dist-Saharsa
 3. Suman Kumar @ Sanoj Yadav Son Of Wokil Yadav @ Vakeel Yadav @ Aokil Yadav R/O-Belwara Ward No-13 P.S- Simri Bakhtiyarpur, Dist-Saharsa
 4. Dhanoj Yadav Son Of Wokil Yadav @ Vakeel Yadav @ Aokil Yadav R/O-Belwara Ward No-13 P.S- Simri Bakhtiyarpur, Dist-Saharsa
 5. Manoj Yadav Son Of Wokil Yadav @ Vakeel Yadav @ Vakil Yadav R/O-Belwara Ward No-13 P.S- Simri Bakhtiyarpur, Dist-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-01-2025 Heard Mr. Pramod Mishra, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 402 of 2022 F.I.R. dated 03.09.2022 for the offences punishable under Sections 371, 341, 323, 384, 379, 504, 506/34 of the IPC.

3. According to prosecution case, when the informant and his brother went to Simri bakhtiyarpur, then on their way



petitioners with other co-accused persons came there armed with weapons and started assaulting the informant. It is also alleged that informant was abducted by the petitioners and later released due to intervention of local police.

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 it appears from the FIR that the date of occurrence as alleged in the FIR is 23.08.2022 and the present FIR was instituted on 03.09.2022, after delay of about ten days without giving any explanation of delay. He further submits that no such occurrence had taken place and the present FIR was instituted only to falsely implicate the petitioner. In fact, one co-accused, namely, Sushil Yadav has filed a counter case vide Bakhtiyarpur P.S. Case No. 439 of 2022 against the informant and his family members and due to some previous business/money dispute the petitioners have been falsely implicated in the present case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner nos. 2, 3 and 5 carries one more case other than the present one but fairly submits that petitioners are on bail in the pending matters and petitioner nos. 1 and 4 having



clean antecedents.

6. Considering the aforesaid facts and circumstances, 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 Simri Bakhtiyarpur P.S. Case No. 402 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 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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