

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72708 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- TRIVENIGANJ District- Supaul

1. Sanjay Kumar @ Sanjay Yadav S/o- Chandeshwari Yadav Village- Lalpatti PS-Triveniganj, Dist- Supaul
2. Raju Kumar @ Raju Yadav Son of Bindeshwari Yadav Village- Lalpatti PS-Triveniganj, Dist- Supaul
3. Chanchal Kumar @ Chanchal Yadav Son of Maheshwari Yadav Village- Lalpatti PS-Triveniganj, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Murari Narain Chaudhary, the learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Triveniganj PS Case No. 124 of 2024, FIR dated 22.03.2024, registered for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. According to the prosecution case, while the informant along with his wife was going to his house, the co-accused persons surrounded them and one Maheshwari Yadav



fired upon informant's wife, who died on spot and informant somehow save his life by running and hiding in wheat field.

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 both the parties are agnates and due to admitted land dispute the petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that specific allegation of firing is attributed against the co-accused person namely, Maheswari Yadav and there is allegation against the petitioners is that they have also fired indiscriminately upon the informant. However, it appears from the case diary that informant has not received any injury.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and fairly submits that specific allegation of firing is attributed against the co-accused Maheswari Yadav and there is general and omnibus allegation against other co-accused persons.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, both the parties are agnates and allegation levelled against these



petitioners are general and omnibus in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned 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 Additional Chief Judicial Magistrate-I, Supaul, where the case is pending in connection with **Triveniganj PS Case No. 124 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned 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 learned 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 learned 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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