

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75571 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- SAHAR District- Bhojpur

Vimal Yadav @ Bimal Yadav @ Bimal Kumar Yadav Son of Late Prithwanthi
Yadav @ Late Prithvi Yadav @ Prithi Yadav R/O- Godiha,P.S.- Sahar,
District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-02-2025 Heard Mr. Shashank Shekhar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sahar P.S. Case No. 139 of 2023 for the offence registered under sections 147, 323, 341, 504, 506, 307 and 34 of the Indian Penal Code lodged on 14.08.2023 by the informant, Janeshwar Yadav.

3. As per the prosecution story, the informant alleged that his daughter-in-law had gone to field to plant paddy crop. However, due to previous dispute, Chandan Yadav and Pintu Yadav started abusing her. When she returned home and informed and the same was enquired, the accused persons assaulted and removed Rs. 5,000/- from the pocket as also a locket. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that there is a case and counter case, their case being earlier to the present one, there is delay of two days in lodging of the FIR without any explanation, which gave them time to implicate number of accused with omnibus allegation including the petitioner. The last submission is that similar placed co-accused Madan Yadav and Anr. has been extended relief in Cr. Misc. No. 10867 of 2024.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though omnibus allegation is there, he has has criminal antecedent.

6. Taking into account the aforesaid facts as also that the petitioner's case is earlier to the present one, there is unexplained delay of two days, omnibus allegation has been made, on the learned Sessions Judge order, it is not clear whether the injury is/was grievous and one of the co-accused has been granted bail as stated above, in that background, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail 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, Bhojpur at Ara in connection with Sahar P.S. Case No. 139 of 2023 subject to



condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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