

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81226 of 2024

Arising Out of PS. Case No.-161 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Ravi Kumar Yadav Son of Shivji Yadav Resident of Harkeshpur, P.S. - Maharajganj, District - Siwan
2. Rohit Kumar Yadav Son of Shivji Yadav Resident of Harkeshpur, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Anjani Parashar, learned counsel for the petitioners as well as Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Maharajganj P.S. Case No. 161 of 2022, F.I.R. dated 01.06.2022 for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, due to previous enmity this petitioner along with other accused persons armed with deadly weapon have brutally assaulted the informant's brother resulting into his death.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. Although there is specific allegation against these petitioners that they have assaulted to the informant and other persons but the police after investigation has submitted charge sheet no. 16 of 2023 on 27.03.2023 and stated that the case is not true against these petitioners and thereafter, the learned Court below has accepted the final form submitted by the prosecution and closed the proceedings against these petitioners. Thereafter, the informant has filed Criminal Revision No. 198 of 2024 against the order dated 10.07.2023 and passed the order dated 09.02.2024 and pursuant to the order in revision application, the learned Court below had taken cognizance against the petitioners vide order dated 14.03.2024. He further submits that the co-accused, namely, Jagdish Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.12.2022 passed in Cr. Misc. No. 65568 of 2022 and another co-accused, namely, Ranjan Yadav and others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 66253 of 2022

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, police have submitted final form in favour of the petitioners and the learned Court below has taken cognizance after the order passed in revision application and the 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 Additional Sessions Judge-IX, Siwan in connection with Maharajganj P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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