

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85619 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Mithun @ Mithun Yadav S/O Kailash Yadav, Resident of Village- Madhopur,
P.S- Bariyarpur, Distt.- Deoria (U.P).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 87811 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Vikash Paswan Son of Narayan Paswan, Resident of Mathiya Lala, P.S. -
Vijaipur, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85619 of 2024)

For the Petitioner : Mr. Dharmveer, Advocate

For the Opposite Party : Mr. Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 87811 of 2024)

For the Petitioner : Mr. Deepankar Raj, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 17-01-2025 Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.
2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutors for the State.
3. The petitioners are apprehending their arrest in connection with Vijayepur PS Case No. 167 of 2023, FIR dated 26.06.2023, registered for the offences punishable under



Sections 147, 148, 149, 302, 307, 323, 324, 325, 341, 427 and 120(B) of the Indian Penal Code.

4. According to the prosecution case, the petitioners along with other co-accused persons and ten to twelve unknown persons with an intention to kill started assaulting informant's brother and then one Birbal Yadav stabbed his brother with a spear due to which he died.

5. 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 petitioners are not named in the FIR and name of petitioners transpired during investigation. He further submits that upon perusal of the FIR, it appears that the specific and direct allegation of assault is attributed against the co-accused persons namely, Amrendra Yadav and Birbal Yadav. He lastly submits that co-accused persons namely, Krishna Yadav, Johan @ Golu Yadav and Kanhaiya Yadav @ Adarsh Yadav have been granted the privilege of anticipatory bail by this Court *vide* orders dated 29.11.2023, 20.03.2024 and 06.05.2024 passed in Cr. Misc No. 75738 of 2023, Cr. Misc. No. 23787 of 2024 and Cr. Misc No. 26562 of 2024 respectively.

6. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, they are not named in the FIR, there is no direct and specific allegation attributed against them and various co-accused persons have been granted the privilege of anticipatory bail by this Court, 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-XIV, Gopalganj, where the case is pending in connection with **Vijayepur PS Case No. 167 of 2023**, 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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