

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89128 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- ALOULI District- Khagaria

1. Vijay Yadav @ Dharmendra Kumar S/O Ramdeo Yadav R/O Village- Bhikhari Ghat, Ward No. 10, P.S- Alauli, Distt.- Khagaria.
2. Kanhaiya Yadav S/O Ramdeo Yadav R/O Village- Bhikhari Ghat, Ward No. 10, P.S- Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 08-01-2025 Heard Mr. Ram Sumiran Rai, learned counsel for

the petitioners and Mr. Abhay Kumar Roy, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Alauli P.S. Case No. 155 of 2024, F.I.R dated 22.04.2024 registered for the offences punishable under Sections 147, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioners are said to have assaulted to the father of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that from a bare perusal of



the FIR it appears that the present FIR is in two parts in the first part there is general and omnibus allegation against all the accused persons including the petitioners and in the second part there is specific allegation of firing is attributed against the co-accused person, namely, Sanjay Yadav and there is no specific allegation of any assault or overt act is against the petitioners.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carry four criminal antecedents other than the present one but fairly submits on the basis of the paragraph no.3 of the bail application that the petitioners are on bail in all the pending matters.

6. Considering the aforesaid facts that there is no specific allegation of any assault or overt act or of firing is attributed against the petitioners, 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 C.J.M., Khagaria in connection with Alauli P.S. Case No. 155 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure/under Section 482(2) of the 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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