

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63893 of 2019

Arising Out of PS. Case No.-290 Year-2019 Thana- ARA NAGAR District- Bhojpur

1. BABAN YADAV Son of Late Jay Nath Yadav R/o Village- Anand Nagar, P.S.- Ara Nagar, District- Bhojpur.
2. Santu Yadav Son of Baban Yadav R/o Village- Anand Nagar, P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-11-2019

Learned counsel for the petitioners Mr. Shiv Prasad Gupta states that the petitioner no. 2 has already been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 2 is permitted to be withdrawn and is dismissed as such.

3. The petitioner no. 1 apprehends his arrest for the offences alleged under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code registered in connection with Ara Nagar P.S. Case No. 290 of 2019.

4. It is submitted that the petitioner no. 1 has been falsely implicated and the accusation of assault is general and omnibus and the injuries sustained by the informant is simple in nature and opinion in respect of one injury has been kept reserved. The petitioner no. 1 claims clean antecedents.

5. Be that it may, in the event of arrest or surrender by petitioner no. 1 within four weeks hereof let the above named petitioner be



released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 290 of 2019 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner no. 1

(ii) That the petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 1 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner no. 1 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioner no.1 shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant, conversely, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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