

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34027 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Mukesh Yadav @ Mukesh Kumar Yadav S/o Late Chhedi Yadav R/o village-
Fathehpur, P.S.- Zero Mile, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code

As per prosecution case, in short, is that on 14.09.2020 at about 06:00 A.M. when informant was sweeping in her house, her neighbour Sarswati Devi came out from her house and started to abuse her. When she protested then accused persons Nitesh Yadav, Rupesh Yadav, Mukesh Yadav assaulted her by fists and lathi due to which she sustained injury. When her husband



came to save her then, he was also assaulted by accused Rupesh Yadav by lathi and iron rod. It is further alleged that all above named accused persons also assaulted the informant's son due to which her son and her husband sustained injury.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is specific allegation of assault against co-accused namely Rupesh Yadav and there is no allegation of assault or overt act against the petitioner and the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Industrial P.S. Case No. 113 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions :-

(1) Petitioner 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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