

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31551 of 2022

Arising Out of PS. Case No.-69 Year-2019 Thana- MARAUNA District- Supaul

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1. Vijay Yadav S/o Late Prabhash Yadav R/o village- Marauna, Tola-Khushiyali, P.S.- Marauna, District- Supaul, State- Bihar
 2. Ajay Kumar @ Azad Yadav S/o Prabhash Yadav R/o village- Marauna, Tola-Khushiyali, P.S.- Marauna, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in the virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Learned counsel for the petitioners seeks permission to withdraw the application in respect to petitioner No. 2 namely, Ajay Kumar @ Azad Yadav.

Permission is accorded.

Accordingly, this application in respect to petitioner No. 2 stands dismissed as withdrawn.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 504, 324, 307, 354A, 427, 379 and 506, of



the Indian Penal Code and Sections 8 and 18 of the POCSO Act.

According to the prosecution case, all the even named accused persons came with deadly weapons at the house of the informant and took informant's daughter toward the north side and tried to outraged her modesty and also assaulted his wife and took a chain from her neck.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the police after investigation has found false allegation against the petitioner and submitted final form bearing no. 158 of 2019 in favour of the petitioner. He further submits that it appears from the F.I.R. itself that there is no allegation of assault against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with



Marauna P.S. Case No. 69 of 2019, 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 witnesses, 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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