

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39320 of 2022

Arising Out of PS. Case No.-816 Year-2021 Thana- BANKA District- Banka

Shravan Yadav Son of Late Parmeshwar Yadav Resident of village -
Majlishpur, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 143, 149,
341, 323, 307, 379, 504, 325 of the Indian Penal Code.

According to prosecution case, in short, is that on
11.10.2021 the petitioner along with other came having with
lathi, Danda and rod on the field of the informant and began to
measure the said field with intention to grab. On protest,
informant was abused and assaulted by the said petitioner and
others. In the meantime, Devendra Yadav, Prabhakar Kumar and
Mahesh Prasad Yadav intervened in rescue, they were also
assaulted by the said petitioner and others sustained injury on



their bodies. It is further alleged that petitioner snatched away Rs.5080/- from the possession of Prabhakar Kumar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the allegation against the petitioner is that he snatched Rs.5080/- from the pocket of Prabhakar Kumar and there is no specific allegation of assault or overt act 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 within a period of four weeks, be released on anticipatory 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 Banka P.S. Case No. 816 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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