

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.39865 of 2022**

Arising Out of PS. Case No.-259 Year-2021 Thana- DELHA District- Gaya

Banti Kumar @ Banti Yadav Son of Kapil Yadav Resident of village -  
Chhotaki Nawada, Videshi Gali, P.s.- Delha, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No2, Advocate  
For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      04-11-2022      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in the virtual court  
proceeding.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

The petitioner is apprehending his arrest in a case  
registered for the offences punishable under Sections 341, 323,  
324, 307, 504 and 34 of the Indian Penal Code.

According to the prosecution case, on 21.10.2021,  
when the informant reached his field, several accused persons  
came and intercepted his way and start abusing and assaulting  
him. When he raised objection they started assaulting him with  
lathi, danda and iron rod due to which he was badly injured.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that it appears from F.I.R. that there is general and omnibus allegation against the petitioner and there is specific allegation of assault against the co-accused, namely, Vicky Yadav. He further submits that the injury report of the informant suggests that the injury is simple in nature and there is no repetition of blow on any vital part of the body. He further submits that there is number of litigations pending between the parties.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

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 Delha P.S. Case No. 259 of 2021, 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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