

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43278 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- MADHEPURA District- Madhepura

SURESH YADAV @ SURESH PRASAD YADAV S/o- late Devnarayan
Yadav R/o Village - Dinapatti Pararia, Ward No. -02, P.S.- Madhepura. ,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence under Sections 341, 323, 324, 307,
379, 504, 506 and 34 of the Indian Penal Code.

The family members of the informant is alleged to
have been assaulted by the petitioner and others by way of
lathi, danda and rod inflicting head as well as all bodily
injuries.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that there is general and omnibus allegation



against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that there is land dispute between the parties and on account of the same an scuffle took place between the parties. He further submits that the cousin of the petitioner has also lodged a case being Madhepura (Bharrahi O.P.) P.S. Case No. 372 of 2022 against the informant and others. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 364 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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