

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48123 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- CHAUSA District- Madhepura

1. Ajay Yadav Son of Mahendra Yadav Resident of Village - Dhuriya Satuari, Ward No. 12, Police Station- Chausa, District - Madhepura.
2. Sunil Yadav Son of Madan Yadav Resident of Village - Dhuriya Satuari, Ward No. 12, Police Station- Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 302 and 120B read with 34 of the Indian Penal Code.

According to the prosecution case, the co-accused persons including the petitioner assaulted the brother and son of the informant with lathi and danda where the brother of the informant sustained injury and doctor declared him dead.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact the



F.I.R. is in two parts, in one part the allegation is against the co-accused who assaulted the brother of the informant, namely, Mahesh Yadav who died during the treatment. He further submits that in the second part of the F.I.R., the allegation is against the petitioners that they assaulted the son of the informant. He further submits that the allegation against the petitioners are general and omnibus and there is no specific allegation of assault or overt act against these petitioners. He further submits that the injury report of the son of the informant, namely, Biresh Kumar suggests that the injury is simple in nature which is caused by hard and blunt substance (Annexure-2).

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chausa P.S. Case No. 170 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners 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 petitioners 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 petitioners. 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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