

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57982 of 2022

Arising Out of PS. Case No.-579 Year-2021 Thana- HISUWA District- Nawada

Surendra Yadav @ Surendra Prasad Yadav Son of Rameshwar Yadav R/V-
Khairati Bigha, P.S- Hisua, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
		Mr. Kumud Kishore, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 Heard Mr. Kumud Kishore, 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 341, 323,
307, 354(B), 504, 34 of the Indian Penal Code.

According to prosecution case, on 08.10.2021 when
the informant Rekha Devi along with her daughter was going to
attend natural call, at the same time Surendra Yadav caught her
daughter near the house of Sanjay Yadav and started flirting
with her. It is further alleged that when the informant went to



save he caught her hair lock and started dragging her and assaulted her as a result her saree got untied and the same was torn. On hulla when villagers and her husband came to save then police patrolling party vehicle arrived there and thereafter, Surendra Yadav fled away. It is further alleged that against the said accused came at her house and assaulted her daughter with iron rod on her leg.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Hisua P.S. Case NO. 578 of 2021 filed by the mother of the petitioner against the informant and their family members. He further submits that there is admitted land dispute between the parties and husband of the informant and the petitioner is brother and the informant is sister-in-law of the petitioner. He further submits that allegation as alleged in the F.I.R. is false and fabricated and there is no specific allegation of any assault or overt act against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.



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 Hisua P.S. Case No. 579 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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