

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56671 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- BHEJA District- Madhubani

Debu Yadav Son Of Late Palat Yadav Resident Of Village- Karhara, P.S.-
Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 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 Section 341, 323,
324, 354(B), 379, 504, 506 and 34 of I.P.C.

According to prosecution case, in brief, is that on
25.07.2021 at about 11:00 P.M., accused person Debu Yadav
committed house trespass of the informant and tried to commit
rape her and torn her clothes. When the husband and son of the
informant came for her rescue, they were also assaulted and
Raushan Yadav gave knife injury to the husband of the
informant. Further, it is also alleged that all the accused persons
entered into house of the informant and took away Rs. 15,000/-



cash.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner has filed the Bheja P.S. Case No. 71 of 2021 against the informant and their family members. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. on 25.07.2021 but the present F.I.R. instituted on 30.07.2022 after delay of five days without any explanation of delay after the fardebayan recorded in Bheja P.S. Case No. 71 of 2021. He further submits that in course of scuffle both the parties have received injury and the allegation as alleged in the F.I.R. is false and fabricated.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents 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 Bheja P.S. Case No. 69 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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