

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17456 of 2023

Arising Out of PS. Case No.-683 Year-2021 Thana- TEKARI District- Gaya

BIKASH @ VIKASH KUMAR @ BIKASH YADAV @ VIKASH YADAV
S/O RAMSWARUP YADAV Resident of Village- Paluhad, P.S.- Tekari,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Tekari P.S. Case No. 683 of 2021 for the offence registered under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code lodged on 26.12.2021 by the informant, Rav Vilas Yadav.

The prosecution story, as alleged therein is that while the informant was at his house, the accused persons named in the FIR including this petitioner abused and assaulted his nephew namely Jattu Kumar. The reason was old land dispute. Upon protest made by the informant, all the accused persons assaulted the informant by 'lathi-danda', resulting into injury to the right hand of the informant which got fractured and right



hand and head of his nephew was also broken. His daughter-in-law too was abused and took out his mobile amounting to the Rs. 10,000/-. Accordingly, the FIR.

Learned counsel for the petitioner submits that there has been case and counter case, both are agnates and he do not have criminal antecedent and will abide by all the terms and conditions.

Learned APP for the State opposes the prayer for bail stating that the allegation is of assault while constructing the boundary wall of a land.

Taking into account that there is case and counter case that of the petitioner's being earlier one, he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VIth- Gaya in connection with Tekari P.S. Case No. 683 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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