

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18135 of 2023**

Arising Out of PS. Case No.-298 Year-2017 Thana- FATEHPUR District- Gaya

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Dwarika Yadav @ Dwarika Prasad Yadav, S/O Balki Yadav, R/O Village-
Pahari, P.S- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Fatehpur P.S. Case No.298 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 308 and 379 of the Indian Penal Code. He has two criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the allegation against the petitioner is that he had assaulted the brother of the informant namely Sanjay Yadav by lathi due to which he sustained injury on his head and left hand. The further allegation is that the petitioner had also assaulted the wife of the informant by brick due to which she sustained injury on her left hand.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the allegations are common and general and there is no injury to Sanjay Yadav and wife of the informant.

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

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he had assaulted the brother of the informant by lathi, however, a specific statement has been made in paragraph '8' that the allegations are common and general and there is no injury to Sanjay Yadav and wife of the informant, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gaya in connection with Fatehpur P.S. Case No.298 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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