

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26433 of 2023**

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

AJAY YADAV S/O MAHENDRA YADAV Resident of Village- Dhuriya,
Satuari, Ward No.- 12, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-05-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Chausa P.S. Case No. 170 of 2021 dated 25.12.2021 registered for
the offence under Sections 341, 323, 307, 302, 120(B) read with 34
of the Indian Penal Code.

The petitioner along with other co-accused are alleged to
have assaulted the informant and his family members by means of
lathi, danda and iron rod as a result of which brother of the
informant became unconscious after having head injury.

Earlier the prayer for anticipatory bail of this petitioner
has been granted by this Court vide order dated 30.11.2022 passed
in Cr. Misc. No. 48123 of 2022 but the bail bonds of the petitioner
could not be accepted by the court below in terms of condition No.3
as imposed in the aforesaid order. Thereafter, the petitioner sought
modification by way of Cr. Misc. No. 6360 of 2023, however, the
same was dismissed by this Court vide order dated 01.02.2023.



Now again the petitioner is before this Court seeking grant of privilege of anticipatory bail.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears that 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 and in the second part of the F.I.R., the petitioner is alleged to have assaulted the son of the informant. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation or any overt act is attributed to him. He further submits that the injury report of the son of the informant, namely, Biresh Kumar, suggest that the injury is simple in nature caused by a hard and blunt substance (Annexure-3). Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 170 of 2021, subject to the conditions laid down under Section 438(2) of the



Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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