

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28544 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- GARHI District- Jamui

Prakash Yadav Son of Gokhul Yadav R/V- Ketari Bank, Post- Khaira, Dist-
Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 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 Garhi P.S. Case No. 69 of 2022 registered for the offences punishable under Sections 341, 448, 323, 354, 307, 379, 506/34 of the Indian Penal Code. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story on 08.12.2022 at about 09:00 P.M., all the accused persons along with this petitioner forcibly entered into the house of the informant and started abusing her. It is alleged that this petitioner threw the daughter-in-law of the informant on the ground by pulling her hair and pressed her neck. In the meantime, son of the informant came to save her, Prakash Yadav (this petitioner) assaulted him on his head with an axe and



accused Ravindra Yadav assaulted the son of the informant on his right hand by means of rod. It is further alleged that all the accused persons looted away Rs.5,000/- along with gold and silver ornaments from the house of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both sides have received grievous injuries.

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

Having regard to the facts and circumstances of the case wherein both the parties are said to be the agnates, there is a case and counter case between the parties and both the parties seem to have indulged in a free fight in which caused injuries to each other, the informant's side has received one grievous injury and this petitioner has also received one grievous injury as has been stated in the petition and the injury report produced before this Court by learned counsel for the petitioner, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui in connection with Garhi P.S. Case No. 69 of 2022, 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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