

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45364 of 2023**

Arising Out of PS. Case No.-457 Year-2022 Thana- ARA MUFFSIL District-
Bhojpur

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OM PRAKASH YADAV S/O PARSURAM YADAV R/O Village- English Tola
PS. Ara Muffasil, Dist. Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-10-2023 Heard Mr. Raju Kumar Singh, learned counsel for

the petitioner and Mr. Pramod Kumar Pandey, learned A.P.P.

for the State.

The petitioner apprehends his arrest in connection
with Ara Muffasil (Dhobhan O.P.) P.S. Case No. 457 of 2022
registered for the offence under Sections 341, 323, 307, 379,
354(B), 504, 506 and 34 of the Indian Penal Code.

The petitioner is alleged to have assaulted the
informant by means of rod and torn the head of the
informant and his associates have stolen ornaments, cloths
and Rs. 25000/- from the house of the informant and the
petitioner also torn the blouse of mother of the informant
and disrobe her by pulling her sari.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case due to land dispute between the parties. He further submits that the informant is own brother of the petitioner and as per the F.I.R., the petitioner has assaulted the informant causing him injury but the injury report suggest that the injury sustained by the informant is simple in nature. He further submits that there is case and counter case between the parties.

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

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 A.C.J.M.-VII, Bhojpur at Ara in connection with Ara Muffasil (Dhobaha O.P.) P.S. Case No. 457 of 2022, 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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