

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45758 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- BODHGAYA District- Gaya

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AJAY YADAV @ AJAY KUMAR S/O SURESH YADAV R/O Village-
Hariharpur, P.S- Bodhgaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Diksha Kumari, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Ms. Diksha Kumari, learned counsel for the

petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Bodhgaya P.S. Case No. 114 of 2023 for the offence registered under sections 341, 323, 325, 109, 504, 506, 307 and 34 of the Indian Penal Code lodged on 02.02.2023 by the informant, Sumitra Devi.

As per the prosecution story, omnibus allegation against the accused person is of assaulting the informant's side on the order of Suresh Yadav as a result of which, the informant's husband and son got injured. Accordingly, the FIR.

Ms. Diksha Kumari, learned counsel for the petitioner submits that the omnibus allegation is against all the accused persons and further she has taken this Court to the Annexure 3



series to show that the injuries sustained by the informant's side has been found to be simple in nature.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the allegation is of assault to the informant's side.

Considering the submissions put forward by the learned Counsel for the petitioner as also that the injuries are found to be simple in nature and allegation is of omnibus in nature, this Court is inclined to extend 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 J.M. 1st Class, Gaya in connection with Bodhgaya P.S. Case No. 114 of 2023 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 *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 bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year 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 the 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.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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