

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66332 of 2023

Arising Out of PS. Case No.-608 Year-2022 Thana- KONCH District- Gaya

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Awdhesh Yadav S/O Baldeo Yadav R/O Village- Hasanpur, P.S- Uphara,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Konch Case No.608 of 2022, F.I.R. dated 13.12.2022 registered for the offence punishable under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons, who were armed with rifle gun, *bhala*, *garansa*, sword, *lathi* and *danda* opened fire upon the



agricultural land of the informant targeting the informant and her brother but they saved themselves anyhow. Thereafter, the petitioner and co-accused Pramod Yadav assaulted the informant with the butt of the rifle causing fracture of his head.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case and the present case is counterblast of Konch P.S. Case No.607 of 2022 filed by the petitioner's side against the family members of the informant and in the present occurrence both side have received injury. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioner, rather there is general and omnibus allegation against petitioner and allegation of firing is against co-accused persons, namely, Uday Yadav and Pramod Yadav who are son of the petitioner and the said Uday Yadav @ Uday Kumar has been granted privilege of anticipatory bail vide order dated 13.10.2023 in Cr. Misc. No.62102 of 2023.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gaya in connection with Konch Case No.608 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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