

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65636 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- TEYAR District- Bhojpur

Shyam Sundar Yadav, Son of Supun Yadav, Resident of Village - Bhairo Ke Tola, Police Station - Tiyar, District - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Tiyar P.S. Case No. 35 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 509/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 05.05.2023 at about 07:00 P.M., all the accused persons including this petitioner entered into the house of the informant and started abusing her and when she protested, all the accused persons assaulted her and her family members. It is alleged that co-accused Guput Yadav and Dasarath Yadav assaulted on the armpit of the son of the informant by means of iron rod. It is also alleged that co-accused Raju Yadav and this petitioner



assaulted on the head of the nephew of the informant due to which he sustained head injuries. It is further alleged that co-accused Bijuli Yadav snatched golden chain and earrings from the informant and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to a land dispute. It is submitted that co-accused Guput Yadav and Dasarath Yadav have been granted privilege of anticipatory bail in Cr. Misc. No. 49262 of 2023 by a learned Co-ordinate Bench of this Court.

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

6. Having regard to the submission that there is an allegation that this petitioner and the co-accused Raju Yadav had assaulted the nephew of the informant but the injury report shows only one injury caused by hard and blunt substance and further submission that in this case, the co-accused Guput Yadav and Dasarath Yadav have been granted privilege of anticipatory bail in Cr. Misc. No. 49262 of 2023 by a learned Co-ordinate Bench of this Court, this petitioner has got no criminal antecedent and the parties are said to have a land dispute, this Court directs that in case of his arrest or surrender within a



period of six weeks from today, the petitioner above named be released on bail in connection with Tiwar P.S. Case No. 35 of 2023 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 Chief Judicial Magistrate, Bhojpur, Arrah, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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