

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68124 of 2023

Arising Out of PS. Case No.-102 Year-2021 Thana- BIRAUL District- Darbhanga

Laxman Yadav Son Of Late Nathuni Yadav Resident Of Village- Khetas
Kalana, P.S- Kusheshwar Asthan, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Ajay Kumar, learned counsel for the
petitioner and Mr. Satyendra Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Biraul P.S. Case No. 102 of 2021, F.I.R. dated 28.04.2021 registered for the offences punishable under Sections 143, 341, 323, 324, 307, 380, 504 of the Indian Penal Code.

3. As per allegation, the F.I.R. named accused persons including the petitioner, equipped with lathi, danda, tengari etc, came to the house of the informant and badly assaulted the informant and his family members due to which the they sustained injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused persons namely Mantun Yadav and others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 39025 of 2023.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and there is specific allegation that he along with other co-accused persons have assaulted the informant and his family members and apart from the aforesaid, the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, 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 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 Additional Chief Judicial Magistrate-II, Biraul, District- Darbhanga



in connection with Biraul P.S. Case No. 102 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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