

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64741 of 2022**

Arising Out of PS. Case No.-852 Year-2021 Thana- MADHEPURA District- Madhepura

Ashok Yadav S/o Late Kamleshwari Yadav R/v- Katharwa, P.S.- Madhepura  
Bharrahi O.P., District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      10-04-2023      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 26.06.2022, in connection with Madhepura P.S. Case No. 852 of 2021, F.I.R. dated 01.11.2021 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

Allegation against the petitioner is that he along with co-accused persons assaulted with rod to the informant and his wife due to which causing injury at the head of the wife of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that in fact



the petitioner and the informant are full brothers and it appears from the F.I.R. that there is specific accusation of assault is against co-accused Nitish Kumar and there is allegation against the petitioner that he assaulted the informant Dinesh Yadav but the injury report of the informant suggests that there is no any injury found on the body of Dinesh Yadav, who is informant of the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 852 of 2021, subject to 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 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 antecedents, 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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