

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75738 of 2023**

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District-
Gopalganj

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KRISHNA YADAV @ KISHAN YADAV SON OF NAGU YADAV @ NATHU
YADAV RESIDENT OF VILLAGE - MATHIYA LALA, P.S. - VIJAYEPUR,
DISTRICT - GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Deepankar Raj, learned counsel for the

petitioner and Mr. Sanjay Kumar Tiwary, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection
with Vijayepur P.S. Case No. 167 of 2023 registered for the
offence under Sections 147, 148, 149, 302, 307, 323, 324,
325, 341, 427, 120(B) of the Indian Penal Code.

The petitioner along with other accused persons
with intention to kill assaulted on the head of the brother of
the informant several times and one of the co-accused,
Birbal Yadav stabbed his brother with a spear in his right
side due to which he died.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it is apparent from the F.I.R. itself that no specific allegation of assault is attributed to the petitioner rather the specific allegation of assault and stabbing with spear in the right side of the brother of the informant is attributed to the co-accused, Amrendra Yadav and Birbal Yadav, respectively, due which to which the brother of the informant died. He further submits that the petitioner has not played any role in the alleged occurrence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Gopalganj in connection with Vijayepur P.S. Case No. 167 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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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