

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75796 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- DHANGAI District- Bhojpur

1. Sudhir Yadav @ Sudhir Kr. Yadav Son Of Ram Nath Yadav Resident Of Mohalla - Deegha, P.S. - Dhangai, District - Ara, Bhojpur
2. Shusheel Yadav @ Sushil Kumar Son Of Ram Nath Yadav Resident Of Mohalla - Deegha, P.S. - Dhangai, District - Ara, Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioners as well as Mr. Pranav Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dhangai P.S. Case No. 49 of 2023, F.I.R. dated 20.05.2023 for the offences punishable under Sections 147, 341, 323, 307, 354, 504, 506 and 379 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners have assaulted the informant and his family members due to which they have sustained injuries.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and both the sides have received injuries in the present occurrence. He further submits that the informant and the petitioners are agnates and as per the allegation in the F.I.R, the petitioners have assaulted the son and daughter of the informant but the injury report of the son and daughter of the informant shows that injuries are simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Bhojpur, Ara in connection with Dhangai P.S. Case No. 49 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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