

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75810 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- BIRAUL District- Darbhanga

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1. GITA DEVI WIFE OF RAM VILAS YADAV RESIDENT OF VILLAGE -BHIKHNAULI PO- JAGANATHPUR PS -BIRAUL, DISTT- DARBHANGA BIHAR
 2. ARVIND YADAV SON OF RAM VILAS YADAV RESIDENT OF VILLAGE -BHIKHNAULI PO- JAGANATHPUR PS -BIRAUL, DISTT- DARBHANGA BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kishan, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Kumar Kishan, learned counsel for the
petitioners and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Biraul P.S. Case No. 269 of 2023, F.I.R. dated 12.06.2023 registered for the offences punishable under Sections 341, 323, 326, 307, 325, 354(A), 379, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the informant and their family members.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case due to admitted land dispute



between the parties. He further submits that there is case and counter case between the parties and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against these petitioners although there is allegation against co-accused persons that they have assaulted the informant and their family members and the injury report of the informant does not support the allegation as alleged in the F.I.R.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioners have been acquitted from the charges by the learned Court below.

6. Considering the facts and circumstances of the case, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Benipur, Darbhanga in connection with Biraul P.S. Case No. 269 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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