

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5015 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- ARIYARI District- Sheikhpura

Sudhir Yadav S/O Dukhi Yadav R/O Village Masaura, P.S.-Ariyari, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Bipin Kumar, learned counsel for the petitioner and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ariyari P.S. Case No. 266 of 2023, F.I.R. dated 12.09.2023 for the offences punishable under Sections 341, 323, 307, 354(B), 448, 379 and 506 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have slammed the wife of the informant over the floor and tore her blouse, upon opposing she was beaten repeatedly and lastly petitioner hit her with stone on head due to which she become unconscious.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to some village politics. He



further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 30.08.2023 but the present FIR instituted on 12.09.2023 after a delay of thirteen days without giving any explanation of delay. He further submits that although the wife of the informant has received the injury but injury report of the injured person suggests that the injury is found simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and injury received upon the wife of the informant is simple in nature, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Sheikhpura in connection with Ariyari P.S. Case No. 266 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. 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.

ii. 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.

iii. 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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