

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9654 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- FATEHPUR District- Gaya

Karu Yadav @ Akhilesh Kumar Yadav son of Swarup Yadav Village-
Dharhara Khurd Ps- Fatehpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Prithivi Raj Singh, learned counsel for
the petitioner and Ms. Rita Verma, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 18 of 2019, F.I.R. dated 11.01.2019 for the offences punishable under Sections 341, 323, 308/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the informant due to some land disputes.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that due to admitted land dispute



the present occurrence has taken place. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner rather the allegation against the petitioner and other accused persons is that they have caught hold the informant. He further submits that the specific allegation of assault is against the co-accused, namely, Mintu Yadav and Swroop Yadav.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no allegation of any assault or overt act attributed against the petitioner, 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 Additional Chief Judicial Magistrate 10th Gaya in connection with Fatehpur P.S. Case No. 18 of 2019, 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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