

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6792 of 2024

Arising Out of PS. Case No.-159 Year-2020 Thana- WAJIRGANJ District- Gaya

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Pappu Yadav @ Pappu Kumar S/O Kapil Yadav, Resident of Village-
Dayalchak, P.S.- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Gajendra Kumar Singh, the learned

counsel for the petitioner and Mr. Uday Pratap Singh, the

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Wazirganj PS Case No. 159 of 2020, FIR dated

11.04.2020, registered for the offences punishable under

Sections 147, 148, 323, 324, 307, 337, 379 and 504 of the

Indian Penal Code.

3. According to prosecution case, all the FIR named

accused persons including the petitioner variously armed with

lathi, khanti, stones and bricks assaulted the family members of

the informant. It is further alleged that the accused persons

snatched the golden amulet from the neck of one Ashok Yadav.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the allegation of assault is attributed against the co-accused persons namely, Vinod Yadav, Umesh Yadav and Nisha Yadav and at best the petitioner is considered to be a member of the mob.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no specific allegation of assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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-I, Gaya, where the case is pending in connection with **Wazirganj PS Case No. 159 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the



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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