

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7283 of 2024

Arising Out of PS. Case No.-339 Year-2023 Thana- BARACHATTI District- Gaya

1. Nandelal Yadav @ Nandlal Kumar S/o Pemal Yadav R/o Vill - Pachamba, P.S. - Barachatti, Dist. - Gaya
2. Bhola Yadav S/o Pemal Yadav R/o Vill - Pachamba, P.S. - Barachatti, Dist. - Gaya
3. Sevak Yadav S/o Pemal Yadav R/o Vill - Pachamba, P.S. - Barachatti, Dist. - Gaya
4. Kailash Yadav S/o Pemal Yadav R/o Vill - Pachamba, P.S. - Barachatti, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioners and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 339 of 2023, F.I.R. dated 06.04.2023 for the offences punishable under Sections 341, 342, 323, 325, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners armed with lathi, iron rod and pistol are said to have brutally assaulted



the informant due to which he sustained several injuries on different parts of the body.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner nos. 2, 3 & 4 have criminal antecedent and petitioner no.2 carries one criminal antecedent other than the present one. He further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 24.03.2023 but the present FIR instituted on 06.04.2023 after delay of about 12 days without giving any explanation for the delay. He further submits that from bare perusal of the allegation part in the FIR it appears that the specific allegation against the petitioner no.1 is that he assaulted with the iron rod to the informant and there is general and omnibus allegation against petitioner nos.2 to 4. He further submits that although the informant received injury and from bare perusal of the injury no.2 it appears that injury is grievous in nature but from bare perusal of the injury report it appears that the same is not on the vital part of the body of the informant and there is no repetition.

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



ground that petitioner no.1 carries one criminal antecedent other than the present one.

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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 2nd Sherghati at Gaya in connection with Barachatti P.S. Case No. 339 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 bonds 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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