

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9527 of 2024

Arising Out of PS. Case No.-760 Year-2022 Thana- FATEHPUR District- Gaya

Manoj Yadav SON OF RAM PRASAD YADAV Resident of village -Dev
Chand Pipra Ps- Fatehpur District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brijmohan Das, Advocate

For the Opposite Party/s : Mr.Dinesh Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Brijmohan Das learned counsel for the

petitioner and Mr.Dinesh Singh,learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatehpur P.S.Case No.760 of 2022,FIR dated 30.11.2022 registered for the offences punishable under Sections 341,323,307,354,379,504,506 and 34 of IPC.

3. The case of prosecution, based on the written report of the informant Chinta Devi; in brief is that on 18.11.2022 at about 09:00 AM she was preparing for making Goitha in the mean time her gotiya including the accused petitioner came armed with weapon and co-accused Pramod Yadav asked to attack the informant then co-accused Pramod Yadav assaulted with iron rod on the head of the informant causing her head



injury, when the daughter-in-law of the informant namely Sona Devi and son Lalan Kumar came to rescue the informant then the accused petitioner and co-accused persons named in the F.I.R. assaulted her and also snatched the ornaments of the member of prosecution party, the accused petitioner Manoj Yadav and co-accused Pramod Yadav and Dhanusha Yadav have made indiscriminate firing.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 18.11.2022 but the present FIR has been instituted on 30.11.2022 after delay of 12 days without giving any explanation of delay. Further submits that from a bare perusal of the FIR it also appears that there is no specific allegation of assault or overt-act attributed against the petitioner rather the same is attributed against co-accused person, namely, Pramod Yadav and it alleged in the FIR that the petitioner has snatched the golden Hanuman Jee from the neck of Lalan Kumar and there is no specific allegation of assault or overt-act attributed against the petitioner.

5. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Fatehpur P.S. Case No.760 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her



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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