

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12346 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- NAYAGAON District- Begusarai

1. Joyotish Yadav @ Jyotish Kumar Son of Jhaksu Yadav, Resident of Village- Mathar Ward No. 7, Police Station- Nayagaon, District- Begusarai.
2. Narayan Yadav Son of Ram Kishun Yadav, Resident of Village- Mathar Ward No. 7, Police Station- Nayagaon, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Informant : Ms. Muskan Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Sunil Kumar Yadav, the learned counsel

for the petitioners, Ms. Muskan Singh, the learned counsel for

the informant and Mr. Pawan Kumar Chaurasia, the learned

Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the

petitioners seek permission to withdraw the anticipatory bail

application with respect to petitioner no. 2 namely, Narayan

Yadav.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with

respect to petitioner no. 2 is dismissed as withdrawn.

5. The petitioner no. 1 is apprehending his arrest in



connection with Nayagaon PS Case No. 27 of 2023, FIR dated 06.05.2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 379 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with other co-accused persons variously armed with *lathi*, *kudal* and bricks assaulted the informant and his family members due to which they sustained injuries. It is further alleged that a golden chain, ear bell, a watch and Rs. 10,000/- (Rupees ten thousand) were stolen from the informant's house.

4. Learned counsel for the petitioner submits that petitioner no. 1 has falsely been implicated in the present case and the allegation as alleged in the FIR are false and fabricated and the petitioner no. 1 has not committed any offence as alleged. He further submits that due to admitted land dispute the present occurrence has taken place and there is case and counter-case 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 no. 1, rather the specific allegation of assault is attributed against the co-accused person namely, Narayan Yadav.

5. The learned counsel for the informant as well as the



learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner no. 1 on the ground that petitioner no. 1 is named in the FIR and apart from that the petitioner no. 1 carries one criminal antecedent other than the present one. However, they fairly admit that the petitioner no. 1 has got bail in the said case.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner no. 1, there is admitted land dispute and case and counter case between both the parties, let the petitioner no. 1, 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 Judicial Magistrate 1st Class, Begusarai, where the case is pending in connection with **Nayagaon PS Case No. 27 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner no. 1 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 no. 1 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 no. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner no. 1. 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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