

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15893 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- KHUTAUNA District- Madhubani

Arvind Kumar Yadav Son of Gangoi Yadav, R/O- Jhanjhpati Doman, P.S.-
Khutauna, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Jitendra Bharti, the learned counsel for
the petitioner and Mr. Anil Kumar, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khutauna PS Case No. 102 of 2023, FIR dated
29.08.2023, registered for the offences punishable under
Sections 341, 323, 324, 307, 379, 504 and 506 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, the informant, who
was on his way to his uncle's house was assaulted by the
accused persons due to which he sustained ear injuries. It is
further alleged that the accused persons snatched golden chain
and Rs. 2,000/- (Rupees two thousand) cash from the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and there is case and counter case between the parties. He further submits that upon perusal of the FIR, it appears that there is specific allegation against the petitioner that he has assaulted to the informant and although the informant has received injury, but the injury report of the informant suggests that injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and injury found on the person of the injured is simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, 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-I, Jhanjharpur, Madhubani, where the case is pending in connection with **Khutauna PS Case No. 102 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 shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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