

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18370 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- ITARHI District- Buxar

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Awdesh Yadav SON OF BHARATH YADAV Village -Gopalpur PS -Itadhi
Distt-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Rang Nath Choubey, learned counsel for

the petitioner and Mr.Gauri Shankar Gupta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Itarhi P.S.Case No.247 of 2023, FIR dated 01.11.2023 registered for the offences punishable under Sections 148,323,325,307,308/34 of the Indian Penal Code arising out of Complaint Case No.1133(C)of 2023.

3. Allegation against the petitioner is that he alongwith co-accused Raja Yadav have assaulted to the informant by iron rami over his head but the informant stopped the blow by his head, due to which, his hand got fractured. Thereafter, co-accused Bimlesh Yadav assaulted to the informant by lathi.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation and as per FIR, allegation against the petitioner is that he alongwith co-accused persons, namely, Bimlesh Yadav and Raja Yadav have assaulted to the informant by iron rod and lathi over his head but the informant has received injury in his hand and there is no repetition of blow. Although, the injury is grievous in nature due to fracture in hand of the informant and which is not on the vital part of the body of the informant.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR, there is direct and specific allegation against the petitioner that he alongwith other co-accused persons have assaulted to the informant and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the anticipatory bail petition.



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 Chief Judicial Magistrate, Buxar in connection with Itarhi P.S.Case No.247 of 2023 arising out of Complaint Case No.1133(C)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) 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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