

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21584 of 2024

Arising Out of PS. Case No.-569 Year-2023 Thana- SAHPUR District- Bhojpur

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1. UTAM YADAV @ UTAM KUMAR YADAV Son of Din Dayal Yadav @ Prabhu Yadav
 2. ABHISHEK YADAV Son of Din Dayal Yadav @ Prabhu Yadav.
Both Resident of Village-Shahpur, Police Station-Shahpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr.Ashok Kumar Singh, learned counsel for the petitioners and Mr.Upendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sahpur P.S.Case No.569 of 2023, FIR dated 16.12.2023 registered for the offences punishable under Sections 341,323,307,504 and 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons abused the informant and assaulted to him by means of lathi, danda and iron rod causing injury at his finger of his left and toe.

4. Learned counsel for the petitioners submits that



petitioner No.1 carries one more case other than the present one but he is on bail in the said case and petitioner No.2 has clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act, let the petitioners, above named, in the event of their 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)each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Arrah at Bhojpur in connection with Sahpur P.S.Case No.569 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 antecedents, the court below shall take step for cancellation of bail bond 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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