

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20234 of 2024

Arising Out of PS. Case No.-375 Year-2021 Thana- MURLIGANJ District- Madhepura

SHANKAR YADAV Son of Surendra Yadav Resident of Village-Murliganj,
Ward No. 2, P.S.-Murliganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Murliganj P.S. Case No. 375 of 2021 instituted under Sections 448, 341, 323, 324, 354(A), 379, 504, 506, 34 of the Indian Penal Code lodged on 12.10.2021 by the informant, Gulten Yadav.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came in an inebriated state and thereafter, when the informant protested, the allegation is that this petitioner gave 'Dabia' blow on the head of the informant's son, Subodh Kumar causing injury. Further, Angad Yadav tried to choked his throat by using a



towel. The allegation against other accused persons is of snatching ornaments/cash. Accordingly, the FIR.

4. Learned counsel for the petitioner submits there is case and counter case, the petitioner's case being earlier to the present one, he do not have criminal antecedent and a bare perusal of the observation of the learned Sessions Judge would show that the injury report is not part of the case diary. Further submission is that the occurrence took place on 29.9.2021 but the FIR was lodged 13 days later on 12.10.2021.

5. Learned APP opposes the prayer stating that allegation of giving 'Dabia' blow on the head is attributed to this petitioner.

6. Though, there is allegation against this petitioner, as per the observation of the learned Sessions Judge, the injury report is not on record, there is delay of 13 days in lodging of the FIR, also, there is case and the counter case and the petitioner do not have criminal antecedent, in that background, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Murliganj P.S. Case No. 375 of 2021 to the satisfaction of learned A.C.J.M.-1, Madhepura subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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