

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26562 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Kanhaiya Yadav @ Adarsh Yadav Son of Nawami Yadav Residents of
Village- Mathiya Lala, Police Station- Vijayipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr.Setu Prateek, learned counsel for the
petitioner and Mrs.Pushpa Sinha, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vijayipur P.S.Case No.167 of 2023, FIR dated 26.06.2023 registered for the offences punishable under Sections 147,148,149,341,323,324,325,307,302,427,120(B) of the Indian Penal Code.

3. The petitioner alongwith other accused persons with intention to kill assaulted on the head of the brother of the informant several times and one of the c-accused, Birbal Yadav stabbed his brother with a spear in his right side due to which he died.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He 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 specific allegation of assault attributed against co-accused persons, namely, Amrendra Yadav and Birbal Yadav. Further submits that co-accused person, namely, Krishna Yadav @ Kishan Yadav has been granted privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No.75738 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and co-accused person, namely, Krishna Yadav @ Kishan Yadav has been granted privilege of anticipatory bail by this Court, 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 Additional Chief Judicial Magistrate-XIV, Gopalganj in connection with



Vijayipur P.S.Case No.167 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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