

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20733 of 2024

Arising Out of PS. Case No.-1073 Year-2022 Thana- SHERGHATI District- Gaya

1. Yogendra Kumar @ Yogendra Yadav Son Of Mukhdeo Yadav @ Kadak Yadav @ Mukhdev Yadav Resident Of Village - Shivganj, P.S. - Dobhi, District - Gaya
2. Bablu Kumar @ Bablu Yadav Son Of Mukhdeo Yadav @ Kadak Yadav @ Mukhdev Yadav Resident Of Village - Shivganj, P.S. - Dobhi, District - Gaya
3. Mukhdeo Yadav @ Kadak Yadav @ Mukhdev Yadav Son Of Lochan Yadav Resident Of Village - Shivganj, P.S. - Dobhi, District - Gaya
4. Pappu Kumar @ Pappu Ku. Son Of Rameshwar Yadav Resident Of Village - Shivganj, P.S. - Dobhi, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioners as well as Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sherghati (Dobhi) P.S. Case No. 1073 of 2022, F.I.R. dated 14.11.2022 for the offences punishable under Sections 341, 323, 342, 307, 354, 379/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant



and his family members with intention to kill them.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Sherghati (Dobhi) P.S. Case No. 973 of 2022 lodged by the petitioner no. 3 against the informant and his family members. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that as per the allegation, petitioner no. 1 pointed a pistol towards the informant and assaulted him on his head, petitioner n. 2 has also assaulted the informant by means of iron rod and lathi, petitioner no. 3 has caught hold the mother of the informant and petitioner no. 4 has also assaulted the mother of the informant. He further submits that the informant and other persons have received injuries and as per the impugned order the injury reports of Pradeep Kumar and Ranjeet Kumar suggests that the injuries are simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



that the petitioners have clean antecedent and there is case and counter case between the parties and the injuries are simple in nature, let the petitioners, above named, in the event of 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 the learned Additional Chief Judicial Magistrate 1st, Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 1073 of 2022, 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, 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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