

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25125 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- AAYAR District- Bhojpur

1. Arbind Yadav S/o Yogindra Yadav Resident of Village- Kasumha P.S. Aayar, District-Bhojpur
2. Vijay Yadav @ Vijay Singh Son of Nagendra Yadav Resident of Village- Kasumha P.S. Aayar, District-Bhojpur
3. Vikash Yadav S/o Madan Yadav Resident of Village- Kasumha P.S. Aayar, District-Bhojpur
4. Raju Yadav S/o Madan Yadav Resident of Village- Kasumha P.S. Aayar, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Mr. Sanjay Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Aayar Bazar P.S. Case No. 138 of 2023 F.I.R. dated 30.10.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners have assaulted to the informant and his family members.

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 due to admitted land dispute the present occurrence has taken place between the parties. He further submits that there is specific allegation of assault is attributed against on petitioner no.2 that he has assaulted to the informant's nephew by means of *farsa* and there is no specific allegation of any assault or overt act is attributed upon the petitioner nos.3 and 4. He further submits that there is case and counter case between the parties. He further submits that although nephew of the informant had received the injury but the injury report of the nephew of the informant does not suggest that whether the injury is grievous or simple in nature.

5. The learned Additional Public Prosecutor, for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent and there is case and counter case between the parties, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned A.C.J.M. VII, Bhojpur at Ara in connection with Aayar P.S. Case No. 138 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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