

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23140 of 2024

Arising Out of PS. Case No.-530 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Nand Kumar @ Nand Kumar Yadav S/O Purunvasi Yadav R/O Village- Chhota Sasaram, P.S- Udawantnagar (GAJRAJGANJ) (O.P), Distt.- Bhojpur.
2. Pintu Kumar S/O Ramji Yadav R/O Village- Chhota Sasaram, P.S- Udawantnagar (GAJRAJGANJ) (O.P), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya, Advocate

For the State : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Ms. Priya, learned counsel for the petitioners

and Mr. Arun Kumar Pandey, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Udawantnagar P.S. Case No. 530 of 2023, F.I.R. dated 29.12.2023 for the offences punishable under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with others are said to have assaulted the informant and his father by means of *lathi* and *kudal*.

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 as per the



allegation in the FIR it appears that the petitioner no.1 has given iron rod blow on the head of the son of the informant and petitioner no.2 has given *kudal* blow on the head of the son of the informant. He further submits that although the son of the informant has received the injuries and injury report of the son of the informant suggests that one injury (injury no.2) is grievous in nature. He further submits that from a bare perusal of the FIR it appears that due to fracture on the leg of the son of the informant injury report suggests that the injury no.2 is grievous in nature. He further submits that both the parties are agnates to each other and due to admitted land dispute the present occurrence has taken place.

5. 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, petitioner having clean antecedent and both the parties are agnates to each other, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection



with Udawantnagar P.S. Case No. 530 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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