

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23787 of 2024

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

Johan @ Golu Yadav @ Tejsawi Yadav Son of Nagu Yadav R/o Mathiya Lala,
P.S.- Vijayepur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2024 Heard Mr. Deepankar Raj, learned counsel for the

petitioner and Mr. Rabindra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vijayepur P.S. Case No. 167 of 2023, F.I.R. dated 26.06.2023 for the offences punishable under Sections 147, 148, 149, 302, 323, 324, 325, 341, 427 and 120B of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the informant's brother and nephew. It is further alleged that the co-accused, Amrendra Yadav and Birbal Yadav have brutally assaulted the informant's brother by means of spear resulting into his death.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R 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 the co-accused, namely, Amrendra Yadav and Birbal Yadav. He further submits that the co-accused, namely, Krishna Yadav @ Kishan Yadav has been granted anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 75738 of 2023.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against the petitioner and the similarly situated co-accused person has been granted anticipatory bail by this Court, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Gopalganj in connection with Vijayepur 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 absence on two consecutive dates without sufficient reason, his 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 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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