

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24153 of 2024

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

Amrendra Yadav S/o- Shiv Yadav Village- sallarpur PS-Bhatni District-
Deoria Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate
For the State : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Rahul Kumar Singh, learned counsel for
the petitioner and Mr. Jagdhar Prasad, 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, 341, 323, 324, 325, 307, 302, 427 and 120(B) of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have assaulted on the head of the informant's brother with *danda*. Thereafter, the co-accused persons have also assaulted him with other weapons due to which he fell down. When the informant's brother tried to stand up then Birbal Yadav came there and stabbed him with *Bhala* due to which he died.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that the petitioner has assaulted on the head of the informant's brother with *danda* but the post-mortem report does not support the allegation as alleged against the petitioner in the FIR. He further submits that co-accused person, namely, Krishna Yadav @ Kishan Yadav has already been granted anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 75738 of 2023.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and there is specific allegation against the petitioner that he has assaulted to the brother of the informant(deceased) with *danda* apart from that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 A.C.J.M. XIV, Gopalganj in connection with Vijayapur 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. One of the bailors should be the father of the petitioner, namely, Shiv Yadav.

ii. 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.

iii. 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.

iv. 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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