

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28491 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- KURTHA District- Jehanabad

1. Kamlesh Yadav
2. Mithlesh Yadav @ Neuri Yadav.
Both sons of Rajdev Yadav
3. Arun Yadav
4. Amresh Yadav @ Tikadhari
Both are Sons of Kamlesh Yadav.
All are Resident of village Govindpur P.S Kurtha District Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-08-2024 Heard Mr.Paras Nath, learned counsel for the petitioners, Mr.Siyaram Shahi, learned counsel for the informant and Mr.Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kurtha P.S.Case No.432 of 2023, FIR dated 22.11.2023 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 379 of the Indian Penal Code.

3. According to prosecution case, co-accused persons along with some unknown persons assaulted the informant due



to which he sustained serious injury. It is further alleged that the co-accused persons snatched golden chain and ring from the informant worth Rs. 2,10,000/- (Rupees Two Lakhs and Ten thousand).

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and from a bare perusal of the FIR it appears that all the petitioners and other co-accused persons have assaulted to the informant and as per FIR, allegation against petitioner No.1 is that he gave lathi blow upon the head of the informant but the injury report of the informant suggests that the injury inflicted upon the head of the informant is simple in nature and allegation against petitioner No.2 is that he assaulted with Katta upon the head of the informant on account of which he sustained head injury but the injury report of the informant suggest that the injury is simple in nature and allegation against petitioner No.4 and co-accused Girdhari Yadav is that they assaulted on the hand of the informant although the injury report of the informant suggests that the injury is grievous in nature but the injury is not on the vital part of the body of the informant and there is case and counter case and co-accused persons, namely, Vinay Yadav and



Ghamandi Yadav have been granted privilege of anticipatory bail to the petitioners by this Court vide order dated 06.05.2024 passed in Cr. Misc. No.26243 of 2024 and allegation against co-accused person, namely, Ghamandi Yadav is that he also assaulted on the head of the informant.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they assaulted with common intention to kill the informant and the informant has received grievous injury and apart from the aforesaid, petitioner Nos.1 to 3 carries one more case other than the present one but fairly submits that they have been acquitted from the charges and petitioner No.4 has clean antecedent.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 learned Additional Chief Judicial Magistrate-III, Arwal in connection with Kurtha



P.S.Case No.432 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 antecedents, 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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