

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27727 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- PHULPARAS District- Madhubani

Vijay Yadav @ Vijay Kumar Yadav Son of Jagdish Yadav Village- Sijayliya
Ps- Fulpras Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Anuj Kumar, learned counsel for the

petitioner and Mr. Khurshid Anwar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 258 of 2023, F.I.R. dated 09.05.2023 for the offences punishable under Sections 341, 323, 379, 386, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, due to some previous dispute this petitioner along with 6-7 other accused persons have assaulted and threatened the informant and demanded Rs. 3,00,000/- as ransom and also took Rs. 50,000/- from him.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the informant was running a medical shop and practicing as a doctor without any valid license and degree and this informant had treated the wife of the petitioner and due to wrong medicine and treatment, the wife of the petitioner died. Due to intervention of local people a panchayati was convened and the informant accepted his guilt and agreed to pay Rs. 3,00,000/- (Three lacs) as a compensation and due to this reason the present false case has been filed against the petitioner.

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 due to previous dispute the present occurrence has taken place, 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 II, Jhanjharpur District- Madhubani in connection



with Phulparas P.S. Case No. 258 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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