

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25508 of 2024

Arising Out of PS. Case No.-114 Year-2022 Thana- SAHODARA District- West Champaran

1. Ashok Yadav S/o- Late Raghuwar Yadav Village- Bairiya Ps- Sahodara Dist- West Champaran
2. Kanhaiya Yadav son of Late Raghuwar Yadav Village- Bairiya Ps- Sahodara Dist- West Champaran
3. Vikash Yadav @ Vikash Kumar son of Kanhaiya Yadav Village- Bairiya Ps- Sahodara Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
	:	Mr. Binod Kumar Sinha, Advocate
		Mr. Ashok Kumar, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate
		Mr. Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Uday Chand Prasad, learned counsel for the petitioners, Mr. Rajesh Kumar, learned counsel for the informant and Mr. Jai Narain Thakur, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners are apprehending their arrest in connection with Sahodara P.S. Case No. 114 of 2022 F.I.R. dated 04.09.2022 for the offences punishable under Sections 341, 323, 324, 307, 325, 354(b), 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners



along with other co-accused persons are said to have assaulted the informant and his family member.

4. Learned counsel for the petitioners submits that petitioner nos.2 & 3 have clean antecedent and petitioner no.1 has got on criminal antecedent other than the present one but fairly submits that he is on bail in the pending matter. He further submits that there is case and counter case between the parties. He further submits that as per the allegation made in the F.I.R. the petitioners have assaulted the informant and as per the allegation petitioner no.1 caught hold the brother of the informant, petitioner no.2 caught hold the informant and the petitioner no.3 has assaulted the informant by means of *farsa*. He further submits that although, the informant has also received the injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor, for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carry one criminal antecedent but fairly submits on the basis of the bail petition that the petitioner no.2 is on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class in connection with Bettiah, West Champaran P.S. Case No. 114 of 2022, 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)

ajay/vinayak-

U		T	
---	--	---	--

