

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25457 of 2024**

Arising Out of PS. Case No.-38 Year-2024 Thana- MIRGANJ District- Gopalganj

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1. Upendra Yadav @ Upendra Kumar S/o Ramavtar Yadav R/o Village-Badheya, Tola Barauli, P.S- Mirganj, Distt.- Gopalganj.
  2. Niranjana Kumar @ Niranjana Yadav S/o Lalbabu Yadav R/o Village-Badheya, Tola Barauli, P.S- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      06-05-2024                      Heard Mr. Shubhesh Pandey, learned counsel for the  
  
petitioners as well as Mr. Arun Kumar Pandey, learned  
  
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mirganj P.S. Case No. 38 of 2024, F.I.R. dated 06.02.2024 for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with *lathi*, *danda*, *farsa* etc. have assaulted the informant and her family members due to some previous dispute.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case due to previous dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that it appears from the F.I.R that the petitioners have assaulted the informant and other accused persons have assaulted the family members of the informant but the injury report of the injured persons does not support the allegation as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R that there is direct and specific allegation against these petitioners that they have assaulted the informant and her family members and apart from that the petitioners carries one criminal antecedent other than the present one.

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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with



Mirganj P.S. Case No. 38 of 2024, 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 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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