

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26124 of 2024

Arising Out of PS. Case No.-634 Year-2017 Thana- BIHAR District- Nalanda

Barhan Yadav son of Late Karu Yadav Village- Nakatpura Ps- Bihar Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Rabindra Prasad Singh, learned counsel
for the petitioner and Mrs. Madhuri Lata, learned APP for the
State.

2. The petitioner is apprehending his arrest connection with Bihar P.S. Case No. 634 of 2017, F.I.R. dated 12.11.2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506, 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused persons assaulted the informant with Lathi and Danda due to which he sustained injury and also snatched the golden *Tabij* from the neck of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties and from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Biharsharif, Nalanda in connection with Bihar P.S. Case No. 634 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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