

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27692 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

Vijay Yadav Son of Loku Yadav Resident of vill.-Bari Takiya, P.S.-Chainpur,
Distt.-Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the State : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Rajani Kant Pandey, learned counsel for
the petitioner and Mr. Surendra Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chainpur P.S. Case No. 38 of 2024, F.I.R. dated 03.02.2024 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and under Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along with other co-accused persons assaulted the informant and his uncle.

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 FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that the petitioner assaulted the informant with *farsa* blow on the head of the informant. He further submits that, although, the informant received the injury but the injury report of the informant suggests that the injury is simple in nature. He further submits that the co-accused person namely, Saheb Pathan has already been granted bail by the learned Court below itself.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent and other co-accused person has already been granted anticipatory bail by the learned Court below itself, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Kaimur at Bhabua in connection with Chainpur 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. 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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