

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26243 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- KURTHA District- Jehanabad

1. Vinay Yadav S/O Ghamandi Yadav, R/O Vill - Govindpur, P.S - Kurtha, Distt. - Arwal.
2. Ghamandi Yadav S/O Late Kariman Yadav, R/O Vill - Govindpur, P.S - Kurtha, Distt. - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Paras Nath, the learned counsel for the petitioners and Mr. Raj Kishor Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kurtha PS Case No. 432 of 2023, FIR dated 22.11.2023, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 and 379 of the Indian Penal Code.

3. According to prosecution case, co-accused persons along with some unknown persons assaulted the informant due to which he sustained serious injury. It is further alleged that the co-accused persons snatched golden chain and ring from the



informant worth Rs. 2,10,000/- (Rupees two lakhs and ten thousand)

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and as per allegation in the FIR, petitioner no. 2 has assaulted to the family member of the informant on his hand and he has not assaulted on the vital body part of the family member of the informant and there is case and counter case between the parties. He further submits it appears from the FIR itself that petitioner no. 2 has assaulted on hand of the family member of the informant.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioner are named in the FIR and there is specific allegation of assault attributed against them.

6. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and they have assaulted on the hand of the family member of the informant, which is not a vital body part of the injured person, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks



from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-III, Arwal, where the case is pending in connection with **Kurtha PS Case No. 432 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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