

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27421 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- MANIHARI District- Katihar

Deep Narain Yadav S/o Vishnu Dayal Yadav R/o Mirjapur, P.S.- Manihari,
Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Manihari P.S. Case No. 265 of 2023 for the offence under Sections 341, 323, 354, 379, 427, 504, 506 and 34 of the I.P.C. lodged on 03.12.2023 by the informant, Mithlesh Kumar Yadav.

3. As per the prosecution story, the allegation is that on 27.11.2023 when the informant alongwith his wife was returning home, the accused persons firstly assaulted the wife and when the sister-in-law came for her rescue, she was assaulted by Deep Narain Yadav (petitioner) and Monu Yadav on the head by '*dabiya*' and further allegation is of snatching the chain. Accordingly the FIR.

4. Learned counsel for the petitioner submits that the



occurrence is of 27.11.2023 while the FIR was lodged on 03.12.2023 and the reason of delay has not been incorporated in the FIR. Further, the injury has been found to be simple in nature and he do not have any criminal antecedent.

5. Learned APP opposes the prayer stating that the allegation of '*dabiya*' blow in on the petitioner.

6. Taking into account the aforesaid submission of the learned counsel for the petitioner and the State as also that there is inordinate delay in lodging of the FIR without any explanation, injury is simple in nature and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Katihar in connection with Manihari P.S. Case No. 265 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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