

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27806 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- BARACHATTI District- Gaya

Dilip Yadav @ Dipu Kumar Son of Prasadi Yadav Resident of Village-
Sondiha, P.S.- Mohanpur, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Md. Javed Jafar Khan, learned counsel
for the petitioner and Ms. Sharda Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barachatti (Mohanpur) P.S. Case No. 694 of 2023, F.I.R. dated 23.07.2023 for the offences punishable under Sections 323, 341, 325, 307, 375, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have intercepted the informant and his family and brutally assaulted them. It is further alleged that this petitioner has assaulted the informant's son by means of *lathi* causing him injury.

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 as per the F.I.R the petitioner and other accused persons have assaulted the son of the informant due to which he received injury but the injury report of the son of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the injury report of the injured person suggest that the injury is simple in nature, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Sherghati, District-Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 694 of 2023, 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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