

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34085 of 2024

Arising Out of PS. Case No.-186 Year-2022 Thana- ROSERA District- Samastipur

Radhe Yadav @ Radhe Shyam Yadav Son Of Dinkar Yadav Village -
Dharampur Jakhar, Ps- Rosera, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Pramod Kumar Singh, the learned counsel
for the petitioner and Mr. Jitendra Kumar Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rosera PS Case No. 186 of 2022, FIR dated
06.06.2022, registered for the offences punishable under
Sections 341, 323, 354, 379, 324, 307, 447, 504 and 506 read
with Section 34 of the Indian Penal Code.

3. According to the prosecution case, all the FIR
named accused persons, variously armed, came near the house
of the informant and started assaulting the buffalo of the
informant. It is further alleged that upon the orders of Dinkar
Yadav, one Sharawan Yadav assaulted the informant with iron-
rod causing head injury, Radhe Yadav assaulted the brother of



the informant by means of khanti and they also snatched silver chain from the neck of the daughter of the informant and also snatched Rs. 5000/- (Rupees five thousand) cash, clothes and documents of land.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is against co-accused persons namely, Dinkar Yadav, Amerika Devi, Sajjan Yadav and Buchi Devi @ Sunita Devi, who have been granted anticipatory bail by this Court vide order dated 20.02.2024, passed in Cr. Misc. No. 9863 of 2024. He further submits that the police after investigation has submitted the final form on 22.09.2022 and the police have not found any case against the petitioner. But, the learned Additional Chief Judicial Magistrate-I, Rosera, Distt.-Samastipur, differed from the police report and took cognizance against the petitioner under Section 147, 149, 341, 323, 379, 307, 447, 504 and 506 of the Indian Penal Code and has been



further pleased to issue process against the petitioner vide order dated 18.03.2023.

5. The 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 and circumstances and mainly the facts that petitioner has clean antecedent, similarly situated co-accused persons have been granted the privilege of anticipatory bail and the police have submitted the final form in favour of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Rosera, Distt.-Samastipur, where the case is pending in connection with **Rosera PS Case No. 186 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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