

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35570 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- FATEHPUR District- Gaya

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Pramod Yadav S/o Late Hiranman Yadav R/o vill - Morhe, P.S. - Fatehpur,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Sheikh Arkan Ahmad, learned counsel for

the petitioner as well as Mr. Mithlesh Kumar Khare, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Fatehpur P.S. Case No. 238 of 2023, F.I.R.
dated 30.03.2023 for the offences punishable under Sections
341, 323, 307, 354, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other accused persons armed with khanti and lathi entered
the house of the informant and assaulted him. It is also alleged
that he also snatched the golden chain of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. As per the allegations in the F.I.R., the petitioner
and other accused persons have assaulted the informant by



tangi, iron rod and lathi and there is specific allegation against the petitioner that he has assaulted the informant with Khanti and Lathi. He further submits that the date of occurrence as alleged in the F.I.R. is 27.03.2023 but the present F.I.R. was instituted on 30.03.2023 i.e after delay of two days without giving any explanation of the said delay. Although, the informant has received the injury but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt object.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner. Apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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-X, Gaya in connection



with Fatehpur P.S. Case No. 238 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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