

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40085 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- KONCH District- Gaya

1. Uday Yadav Son of Mohrai Yadav Resident of Village - Bathani Tola, Keshru Bigha, Police Station - Konch, District - Gaya.
2. Suday Yadav Son of Bihari Yadav Resident of Village - Bathani Tola, Keshru Bigha, Police Station - Konch, District - Gaya.
3. Subhash Yadav Son of Sohrai Yadav Resident of Village - Bathani Tola, Keshru Bigha, Police Station - Konch, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Aryan Singh, learned counsel for the petitioners and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners are permitted to make necessary corrections in Paragraph No. 1 of the bail petition during course of the day.

3. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 25 of 2024, F.I.R. dated 12.01.2024 for the offences punishable under Sections 341, 342, 323, 307, 379 and 34 of the Indian Penal Code.

4. According to prosecution case, it is alleged that the petitioner along with three other co-accused caught the informant and assaulted him with the intention of killing. It is also alleged that they also snatched his all belongings.



5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegations are false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that there is case and counter case between the parties.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act against these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Konch P.S. Case No. 25 of 2024, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below 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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