

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38862 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- WARISLIGANJ District- Nawada

1. Vicky Kumar @ Vicky Yadav Son of Suresh Yadav Resident of Village - Balwapar, Police Station - Warisaliganj, District - Nawada.
2. Shrawan Kumar @ Shrawan Yadav Son of Hari Yadav Resident of village - Khanapur, Police Station - Warisaliganj, District - Nawada.
3. Vikram Kumar @ Vikram Yadav Son of Binod Yadav Resident of Village - Balwapar, Police Station - Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Deepak Kumar, learned counsel for the petitioners, Mr. Gajendra Kumar Singh, learned counsel appearing on behalf of the informant as well as Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Warisaliganj P.S. Case No. 29 of 2024, F.I.R. dated 15.01.2024 for the offences punishable under Sections 147, 148, 149, 323, 324, 354, 307, and 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including these petitioners have attacked on the house



of the informant and the co-accuse, Pappu Yadav fired on the son of the informant and other accused persons have misbehaved with the family members of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that although the petitioners are named in the F.I.R but there is no accusation of any assault or overt act attributed against them, the specific allegation of firing is against the co-accused persons, namely, Pappu Yadav and there is allegation against the co-accused, Mishri Yadav and Subhash Yadav that they have misbehaved with the family members of the informant.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that the petitioner no. 1 carries six criminal antecedents out of which he is on bail in four cases, petitioner nos. 2 & 3 carries four criminal antecedents each out of which they are on bail in two cases.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No. 29 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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