

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39744 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- WARISLIGANJ District- Nawada

Sardha Yadav @ Sharda Prasad Son of Ram Prasad Yadav, R/O Village-
Mananchak, P.S.- Warisaliganj, Dist.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Birendra Kumar, the learned counsel for
the petitioner and Mr. Raj Ballabh Singh, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Warisaliganj PS Case No. 77 of 2024, FIR
dated 16.02.2024, registered for the offences punishable under
Sections 341, 447, 448, 307, 324, 379, 337 and 506 read with
Section 34 of the Indian Penal Code.

3. According to the prosecution case, all the co-
accused persons including the petitioner came at the house of
informant's cousin brother and assaulted him and when the
informant came there to pacify the matter, they assaulted the
informant. It is further alleged that Chandan Yadav, Sharda
Yadav and Nitish Kumar caught hold of informant's cousin



brother and Raushan Kumar assaulted informant's cousin brother by means of *gadasa* on his head causing head injury and Chandan Kumar snatched gold chain from the neck of informant's cousin brother.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and there is case and counter case between the parties and the allegation levelled in the FIR is false and fabricated. He further submits that upon perusal of the FIR, it appears that there is allegation against the petitioner that he caught hold of the informant's brother namely, Kamlesh Kumar while the co-accused person namely, Raushan Kumar assaulted on the head of Kamlesh Kumar by means of *gadasa*. Although, he has received injury, but the injury report of Kamlesh Kumar suggests that injury is simple in nature caused by hard and blunt substance.

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 fact that petitioner has clean antecedent and there is no specific allegation of assault or overt act attributed



against him, 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 Chief Judicial Magistrate, Nawada, where the case is pending in connection with **Warisaliganj PS Case No. 77 of 2024**, 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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