

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42486 of 2024

Arising Out of PS. Case No.-675 Year-2023 Thana- JAMUI District- Jamui

Diwakar Yadav Son of Late Narayan Yadav R/O- Village- Amrath, Police
Station- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Pramod Kumar, learned counsel for the

petitioner and Mr. Syed Mojibur Rahman, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Jamui P.S. Case No. 675 of 2023, F.I.R. dated
15.11.2023 registered for the offences punishable under
Sections 341, 323, 307, 147, 148, 149, 504, 506 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along
with other accused persons caught hold of the informant's son
and his friend and assaulted the son of the informant and
Kundan Kumar and also the accused petitioner fired two round
of bullet from his pistol due to which they sustained injury.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner has fired two round of bullet from his pistol and apart from the aforesaid the petitioner has also assaulted the son of the Informant and Kundan Kumar. Learned counsel for the petitioner further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no specific allegation of assault attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and although Kamlesh and Kundan Kumar have received injuries but the injury report of the Kamlesh Kumar and Kundan Kumar suggest that the injuries are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner , let the



petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 675 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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