

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40677 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- BELDOUR District- Khagaria

Naresh Yadav S/O Late Bindeshwari Yadav R/O Village Kenjri (Kangri) ward
no 06, P.S. Beldaur, Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr.Madhav Jha, learned counsel for the

petitioner and Mr.Uma Shankar Prasad Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Beldaur P.S.Case No.189 of 2023,
(G.R.No.2571/2023), FIR dated 30.07.2023 registered for the
offences punishable under Sections 341, 323, 504, 506, 307,
324, 325, 448, 379, 34 of IPC and Section 27 of Arms Act.

3. The prosecution case, in brief by informant Dinesh
Yadav is that on 30-07-2023 at about 04.00 PM. F.I.R named
nine accused persons including petitioner thrown away the mark
which was fixed after measurement of the land. On objection
accused persons started abusing and co-accused Mukesh Yadav
having farsa in his hand, Samrath Yadav alias Nayan Yadav and



Yubraj Yadav having country made pistol, Shivendra Yadav alias Shivaji Yadav an Saurav Kumar alias Chhotu Kumar having having Bhala in their hand entered into his house and started assaulting informant's family. Mukesh Yadav assaulted with Farsa on the head of informant, due to which he sustained head injury. Further accused persons assaulted his brother Dhirendra Kumar and informant's Bhabho Mamta Devi assaulted her due to which her hand became fractured. Further Mukesh Yadav, Samrath Yadav made firing in the air and snatched gold chain from the neck of his Bhabho Mamta Devi. Accused persons threatened not to lodge case otherwise they would kill his entire family.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner rather there is specific allegation of assault is attributed against co-accused person, namely, Mukesh Yadav, Samrath Yadav @ Nayan Yadav, Yuvraj Yadav, Shivendra Yadav and Saurav Kumar.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts, petitioner has clean antecedent and there is no accusation 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Beldaur P.S.Case No.189 of 2023, (G.R.No.2571/2023), 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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