

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42465 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Akash Yadav S/o Sanjay Yadav R/o vill - Charwani, P.S. - Jagdishpur, Distt. -
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Diwakar, learned counsel for the petitioner
and Mr. Binod Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Jagdishpur P.S. Case No. 196 of 2023, F.I.R. dated 18.05.2023 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons were plucking mango from the garden of the informant and when the guards of the mango orchard protected then all the accused persons abused taking caste name and assaulted them.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



informant is not an eye witness of the alleged occurrence and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they all assaulted Lakdu Ram, Ravi Ram, Akhilesh Ram and Namit Kumar.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and there is specific allegation against the petitioner that he along with other co-accused persons have assaulted the guards of the mango orchard.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent as well as there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including 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 A.C.J.M. Ist, Bhojpur at Ara/Concerned Court in connection with Jagdishpur P.S. Case No. 196 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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