

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43194 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- NAUHATTA District- Rohtas

Kanhai Yadav @ Anoj Kumar Son of Tibhu Yadav @ Dibhu Yadav R/o
Village- Bhadara, P.S.- Nauhatta, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Deovind Kumar Singh, learned counsel
for the petitioner and Dr. Kumar Uday Pratap, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nauhatta P.S. Case No. 150 of 2023, F.I.R. dated 28.09.2023 for the offences punishable under Sections 147, 149, 323, 325, 307, 354, 354(A), 354(B), 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have tried to outrage the modesty of the informant and her family members and they have also assaulted them resulting into grievous injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the present case is the counter blast of Nauhatta P.S. Case No. 149 of 2023 filed by the co-accused, Reeta Devi against the family members of the informant. He further submits that although there is allegation against the petitioner that he along with other accused persons have assaulted the family members of the informant due to which 5 persons have received injury but out of 5 persons, 3 persons have received simple injury and rest 2 persons have received grievous injury due to fracture in their hand which is not the vital part of the body. He further submits that the similarly situated co-accused, namely, Bhola Yadava @ Vimlesh Kumar @ Bhola Kumar has been granted anticipatory bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 189 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is case and counter case between the parties, injury received by the injured persons are not on the vital part of the body and the co-accused person has been granted bail by this Court, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dehri (Rohtas) in connection with Nauhatta P.S. Case No. 150 of 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 absence on two consecutive dates without sufficient reason, his 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 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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