

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47757 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Mahendra Yadav Son Of Late Ramdev Yadav Village- Pandabigha, P.S.- Makhdumpur, Distt.- Jehanabad (bihar)
2. Arun Kumar Son Of Mahendra Yadav Village- Pandabigha, P.S.- Makhdumpur, Distt.- Jehanabad (bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh, Advocate
For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Amrendra Kumar Singh, learned counsel
for the petitioners and Mr. Ganesh Prasad Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Makhdumpur P.S. Case No. 204 of 2023, F.I.R. dated 12.03.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted the informant and his family members due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that petitioner no.1, namely, Mahendra Yadav has assaulted to one Kishori Yadav due to which he received injury and petitioner no.2, namely, Arun Kumar has assaulted to one Shanti Devi. He further submits that the injury report of the Shanti Devi suggests that the injury is simple in nature.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is specific allegation against them that they have assaulted the informant and his family members. He further submits that as per allegation in the FIR, petitioner no.1, namely, Mahendra Yadav has assaulted Kishori Yadav and injury report of the Kishori Yadav suggests that the injury is grievous in nature caused by hard and blunt object.

6. Considering the aforesaid facts and circumstances and the fact that the injury inflicted upon Kishori Yadav by petitioner no.1 is grievous in nature and hence, I am not inclined to grant the privilege of anticipatory bail to the petitioner no.1, namely, Mahendra Yadav in connection with Makhdumpur P.S.



Case No. 204 of 2023 pending in the court of Chief Judicial Magistrate, Jehanabad.

7. Prayer for bail on behalf of petitioner no. 1, namely, Mahendra Yadav is refused.

8. As regards, petitioner no. 2 is concerned, the injury inflicted upon Shanti Devi by the petitioner no. 2 is simple in nature, let the petitioner no.2, 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 Chief Judicial Magistrate in connection with Makhdumpur P.S. Case No. 204 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 tamper 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 bond 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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