

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43378 of 2024

Arising Out of PS. Case No.-159 Year-2020 Thana- WAJIRGANJ District- Gaya

Umesh Yadav @ Umesh Prasad Son Of Late Jagdeo Yadav Village-
Dayalchak, P.S.- Wazirganj, Distt.- Gaya Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate
For the State : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Kamal Kumar Sinha, learned counsel for

the petitioner and Mr. Dinesh Singh, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Wazirganj P.S. Case No. 159 of 2020, F.I.R. dated 11.04.2020 for the offences punishable under Sections 147, 148, 323, 324, 379, 337 and 504 of the Indian Penal Code and later on Section 307 of the Indian Penal Code was also added.

3. According to prosecution case, petitioner is said to have assaulted to one Anil Yadav with khanti due to which he received injury on his head.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that from a bare perusal



of the FIR it appears that there is specific allegation against the petitioner that he assaulted to one Anil Yadav. He further submits that although Anil Yadav received the injury but impugned order suggests that injury is simple in nature caused by sharp cutting weapon. He further submits that co-accused person, namely, Pappu Yadav @ Pappu Kumar has already been granted anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No.6792 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he assaulted to one Anil Yadav.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent, impugned order suggests that injury inflicted upon the injured person is simple in nature and other co-accused person has already been granted anticipatory 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 Addl. Chief Judicial Magistrate- 1st



Gaya in connection with Wazirganj P.S. Case No. 159 of 2020, 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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