

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52392 of 2024

Arising Out of PS. Case No.-183 Year-2022 Thana- VISHAMBHARPUR District- Gopalganj

Brija Yadv @ Birja Yadav S/o Jalesar Yadav @ Jaleshwar Yadav R/o vill -
Matihanian Kalan, P.S. - Bishmbharpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard Mr. Saurabh Kumar, learned counsel for the

petitioner and Mr. Humayou Ahmad Khan, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bishmbharpur P.S. Case No. 183 of 2022, F.I.R. dated 17.11.2022 for the offences punishable under Sections 147, 149, 447, 323, 324, 326, 307 and 504 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons have assaulted to the informant and his family members.

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 occurrence has taken place due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that although there is specific allegation against the petitioner that he has assaulted with bamboo to one Sachin Yadav and due to which he received three injuries but from a bare perusal of the injury report of the Sachin Yadav it appears that all the injuries inflicted upon him are simple in nature.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent, injuries inflicted upon the injured person are simple in nature and due to admitted land dispute the present occurrence has taken place between the parties, 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 Additional Sessions Judge-IV, Gopalganj in connection with Bishmbharpur P.S. Case No. 183 of 2022, 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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