

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55697 of 2024

Arising Out of PS. Case No.-388 Year-2020 Thana- SAHPUR District- Bhojpur

Vikram Kumar Yadav @ Vikram Yadav S/O Ajay Yadav R/O Village-
karmamepur,PS-Shahpur,Distt-Bhojpur. At present reside village-
Brahbatra,PS-Ara Nagar, Distt-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the State : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 388 of 2020 for the offence under Sections 341, 323, 325, 307, 379, 504, 427, 506 and 34 of the Indian Penal Code lodged on 14.11.2020 by the informant, Amal Kumar Mishra.

3. As per the prosecution story, the informant alleged that the accused persons came and assaulted his two sons in the shop and further also damaged the shop and took away gold chain of his son. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that no such occurrence has taken place, he had no knowledge of



his implication which delayed coming to the Court and with the help of Annexure P/2 series submits that all the injuries are found to be simple in nature. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs.5,000, through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that the allegation of assault is there.

6. Though, the allegation of assault is there, the injuries are found to be simple in nature, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. If however, it is found that contrary to the



statement made in paragraph no.3, the petitioner do have criminal antecedent the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 388 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Rajiv Roy, J)

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