

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57169 of 2024

Arising Out of PS. Case No.-64 Year-2020 Thana- RAHIKA District- Madhubani

Madan Yadav @ Madan Lal Yadav Son of Saukhi Yadav @ Saukhi Lal Yadav
R/V- Village- Kamalpur, P.S.- Rahika, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr.Shailendra Kumar Jha, learned counsel for
the petitioner and Mr.Kumar Veerendra Narayan, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rahika PS Case No. 64 of 2020, corresponding to CRI No.1129 of 2020, FIR dated 17.06.2020, registered for the offences punishable under Sections 143, 341, 323, 504,506,448,354,307 and 379 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons have assaulted to the informant and his family members.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the



FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and due to admitted land dispute, the present occurrence had taken place. There is case and counter. It appears from the FIR that the date of occurrence as alleged in the FIR is 13.06.2020 but the present FIR has been instituted on 17.06.2020 after delay of four days without giving any explanation of delay. Further submits that although the petitioner is named in the FIR but it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner and the co-accused person, namely, Tej Lal Yadav and others, against whom the similar allegation, have been granted privilege of anticipatory bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No.25244 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and co-accused person, namely, Tej Lal Yadav and others, against whom the similar allegation, have been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his 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 learned Judicial Magistrate-1st Class, Madhubani in connection with Rahika P.S. Case No. 64 of 2020, corresponding to CRI No.1129 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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