

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64751 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- BARARI District- Katihar

1. Vikash Yadav @ Vikash Kumar Yadav Son of Mahesh Yadav @ Mahesh Prasad Yadav Resident of Village- Laxmipur, P.S.- Barari, Distt.- Katihar
2. Rakesh Roshan @ Rakjesh Roshan Son of Mahesh Yadav @ Mahesh Prasad Yadav Resident of Village- Laxmipur, P.S.- Barari, Distt.- Katihar
3. Mahesh Yadav @ Mahesh Prasad Yadav Son of Late Mohan Yadav Resident of Village- Laxmipur, P.S.- Barari, Distt.- Katihar
4. Sarwan Yadav Son of Late Kangali Yadav Resident of Village- Lohjar, P.S.- K. Nagar, Distt.- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bimal Kumar, Advocate
For the Opposite Party : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Bimal Kumar, the learned counsel for the petitioners and Mr. Pranav Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barari PS Case No. 169 of 2024, FIR dated 06.06.2024, registered for the offences punishable under Sections 147, 341, 323, 324, 325, 307 and 379 of the Indian Penal Code.

3. According to the prosecution case, the informant saw the petitioners along with other co-accused persons



measuring the land that belongs to him and upon his objection, the co-accused persons assaulted the informant and his brother due to which they sustained injuries. It is further alleged that the co-accused persons took Rs. 5,000/- (Rupees five thousand only) from informant and Rs. 10,000/- (Rupees ten thousand only) from informant's brother and they also snatched a locket from the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place. He further submits that although informant's side has received injury, but injury report of the informant's side suggests that injury is simple in nature caused by hard and blunt object, which does not support the allegation levelled in the FIR.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and mainly the facts that petitioners have clean antecedent, due to admitted land dispute the present occurrence has taken place and injury report of informant's side suggests that injury is simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Katihar, where the case is pending in connection with **Barari PS Case No. 169 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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