

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64343 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

1. Mohan Yadav Son of Kamla Yadav Resident of Village- Baruna (Vithalpur), P.S.- Buxar, (Industrial Area), Distt.- Buxar
2. Subash Yadav @ Makun Yadav Son of Kamla Yadav Resident of Village- Baruna (Vithalpur), P.S.- Buxar, (Industrial Area), Distt.- Buxar
3. Santosh Yadav Son of Kamla Yadav Resident of Village- Baruna (Vithalpur), P.S.- Buxar, (Industrial Area), Distt.- Buxar
4. Rahul Yadav @ Rahul Kumar Son of Mohan Yadav Resident of Village- Baruna (Vithalpur), P.S.- Buxar, (Industrial Area), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Akhilesh Kumar Pandey, learned counsel

for the petitioners as well as Mr. Akbar Ali, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Buxar (Industrial Area) P.S. Case No. 142 of 2024, F.I.R. dated 30.06.2024 for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code.

3. According to prosecution case, all these petitioners armed with lathi started abusing the informant and the petitioner no. 1 assaulted the informant on his head resulting into head injury.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that due to petty dispute between the parties, the present occurrence has taken place. He further submits that the petitioners are named in the F.I.R but it appears from the F.I.R that the specific allegation is against the petitioner no. 1 who assaulted the informant on his head due to which the informant has sustained injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that there is case and counter case between the parties.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and the injury report of the injured person suggests that the injury is simple in nature, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with



Buxar (Industrial Area) P.S. Case No. 142 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below 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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