

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67222 of 2024

Arising Out of PS. Case No.-479 Year-2022 Thana- GAYA MUFASIL District- Gaya

Upendra Yadav @ Upendra Kumar Son of Munshi Yadav Resident of Village-
Murkatta, P.S. Muffasil, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-10-2024 Heard Ld. counsel for the Petitioner and Ld. APP for
the State.

2. The Petitioner apprehend his arrest, in connection with Gaya Muffasil P.S. Case No. 479 of 2022 dated 15.07.2022, registered for the offences punishable under Sections 341, 323, 224, 225, 353, 504 read with Section 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that when the police personnel went to arrest the warrantee accused of Muffasil P.S. Case No. 625 of 2021, namely, Upendra Kumar to his house, in the meantime, FIR named accused persons came together and started abusing and assaulting the police personnel, which resulted into accused Upendra Kumar succeeding to flee away.



4. Ld. counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that at the time of visiting of the police personnel at the house of Upendra Kumar, the Petitioner had gone to see what is going and he has no role in the alleged offence. He further submits that he is in no way connected with Upendra Kumar and his family members. He further submits that the Petitioner is just a co-villager. He also submits that similarly situated co-accused persons have already been enlarged on bail by this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 68690 of 2023.

5. It has also been stated in paragraph no.3 of the bail petition that the Petitioner has three criminal antecedent in which he is on bail.

6. It is also stated in paragraph no. 2 of the bail petition that the Petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the Petitioner, above named, to be enlarged on bail in the event of his arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class-cum-A.M., Gaya, in connection with Gaya Muffasil P.S. Case No. 479 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioner after hearing him and getting satisfied that the Petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioner.

(Jitendra Kumar, J.)

Chandan/
Ravishankar-

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