

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72910 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- MURLIGANJ District- Madhepura

Pramod Kumar @ Pramod Kumar Yadav Son of Ram Krishna Yadav,
Resident of Village - Kolhaipatti, Ward No.- 2, P.S.- Murliganj and District -
Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-09-2024 Heard Mr. Manoj Kumar Pandey, the learned
counsel for the petitioner and Mr. Dinesh Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Murliganj PS Case No. 208 of 2023, FIR dated
04.06.2023, registered for the offences punishable under
Sections 341, 323, 324, 325, 379, 354(A), 307, 447, 504 and
506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the FIR names
co-accused persons illegally claimed the land that belonged to
the informant and when she protested, they badly assaulted the
informant and her son. It is further alleged that the co-accused
persons snatched a golden chain and also took Rs. 1,500/-
(Rupees fifteen hundred only) from informant's son.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that both the parties are agnates and there is case and counter case between them. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner that they have assaulted to the son of the informant.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR. Apart from that, petitioner carries three criminal antecedents other than the present, however, he fairly admits that petitioner is on bail in the pending matters, as mentioned in the supplementary affidavit.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against the petitioner rather, the allegation levelled in the FIR is general and omnibus in nature and both the parties are agnates and there is case and counter



case between them, let the petitioner, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Madhepura, where the case is pending in connection with **Murliganj PS Case No. 208 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed



his criminal antecedent, the learned trial Court 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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