

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72995 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- FATEHPUR District- Gaya

KEDAR YADAV Son of Chalitar Yadav RESIDENTS OF VILLAGE
VERRNA (BARMA) PS FATEPUR DIST GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 07-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Fatehpur P.S. Case No. 341 of 2022 for the offence registered under sections 147, 341, 323, 504, 506 and 307 of the Indian Penal Code lodged on 10.06.2022 by the informant, Nagendra Kumar.

3. As per the prosecution story, the informant alleged that the accused persons came near the house of the informant and started measuring the land. Upon protest, they assaulted. The allegation against Mithilesh Yadav and Rupesh Yadav is of using iron rod and *khanti*, causing injury on the head of the informant. So far as this petitioner is concerned, the allegation is of using his leg to assault the informant. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that allegation mainly is against Mithilesh Yadav and Rupesh Kumar @ Rupesh Yadav who have been granted anticipatory bail in Cr. Misc. No. 72653 of 2023.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the injuries were found to be grievous in nature.

6. The allegation in the FIR is against Mithilesh Yadav and Rupesh Kumar @ Rupesh Yadav of using *khanti* and iron rod, they have been extended the privilege of anticipatory bail in that background, the petitioner who gave leg blow to the informant, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-X, Gaya in connection with Fatehpur P.S. Case No. 341 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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