

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73729 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- PIRPAINTI District- Bhagalpur

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1. Nakal Yadav @ Nakul Yadav @ Nand Yadav S/O Hari Lal Yadav
 2. Niranjana Yadav S/O Late Ram Prasad Yadav
Both R/O Village- Athaniya, P.S- Pirpainti, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Shyam Kishor Das, learned counsel for the

petitioners and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pirpainty P.S. Case No. 400 of 2022, FIR dated 24.11.2022 registered for the offences punishable under Sections 341, 323, 504, 506, 379, 354, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they assaulted to Bhim Yadav and his brother with butt of musket and rifle, due to which their head broke.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. As per allegation in the FIR,



petitioners have assaulted to one Bhim Yadav and his brother, although they have received injury but the injury report of Bhim Yadav and his brother suggests that all the injury is simple in nature.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and the injury found on the person of the injured is simple in nature, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainty P.S. Case No.400 of 2022, 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 bonds shall be cancelled by the Court below.

(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 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 antecedents, 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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