

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79328 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- FATEHPUR District- Gaya

Ganesh Yadav Son of Late Hira Yadav @ Hiranman Yadav Resident of Village
- Morahe, P.S. - Fatehpur in the district of Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 238 of 2023, F.I.R. dated 30.03.2023 registered for the offences punishable under Sections 341, 323, 307, 354, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other accused persons armed with weapons entered the house of the informant and assaulted him.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per F.I.R., petitioner assaulted the informant with the *tangi* due to which his head got fractured. There is case and counter case



between the parties. There is delay of three days in lodging the F.I.R. and there is no plausible explanation for the same. Although, the informant had sustained injury but the injury report suggests that the injury is found to be simple in nature. He further submits that co-accused person has already been granted anticipatory bail by this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 35570 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the injury is found to be simple in nature and co-accused person has already been granted anticipatory bail by this Court vide order dated 31.07.2024 passed in Cr. Misc. No. 35570 of 2024, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of court of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Fatehpur P.S. Case No. 238 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-



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

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below 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 court below 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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