

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75478 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- BHADHWAR District- Gaya

Upendra Prasad @ Upendra Singh Son of Barhamdev Mahto Resident of
Village - Bhadwar Tola Adar, P.S. - Bhadwar, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr. Gajendra Kumar Singh, learned counsel
for the petitioner and Mr. Syed Mojibur Rahman, learned APP
for the State.

2. The petitioner is apprehending his arrest in connection with Bhadwar P.S. Case No. 23 of 2023, F.I.R. dated 10.04.2023 registered for the offences punishable under Sections 323, 341, 325, 302, 307, 448, 506/34 of the Indian Penal Code.

3. Prosecution case, in brief, as per written report of the informant Yogendra Prasad is that on 07.04.2023 at about 8:00 P.M., all of a sudden, the accused persons including the petitioner armed with lathi-danda came at his house and started assaulting the informant and his wife due to which they became injured.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 07.04.2023 but the present F.I.R. was instituted on 10.04.2023 after delay of three days without giving any explanation of delay and from perusal of the F.I.R. 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 accused persons including the petitioner. He further submits that co-accused person namely Preety Kumari @ Preety Devi has been granted the privilege of anticipatory bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 13931 of 2024.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation in the F.I.R. against the petitioner rather there is general and omnibus allegation against all the



accused persons including the petitioner as well as co-accused person has been granted the privilege of anticipatory bail by this Court, 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 learned S.D.J.M., Sherghati, Gaya in connection with Bhadwar P.S. Case No. 23 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 tampers 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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