

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79277 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- BHAGWANPUR District- Begusarai

Dharmendra Yadav S/o Kantu Yadav Village- Churaman Chak, Ward N13,
PS. Bhagwanpur (Teyai O.P), Dist. Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bhagwanpur P.S. Case No. 135 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506, 307, 384 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 30.05.2023, while the informant was getting his field ploughed, the accused persons including the petitioner came at his field and started abusing him. It is alleged that the father of the petitioner assaulted the informant by means of a *farsa* due to which he got injured. The petitioner is also alleged to have tried to assault the informant but the informant escaped the blow.



4. Learned counsel for the petitioner submits that from the FIR itself it would appear that the allegation of causing injuries is specific against the father of the petitioner and not against the petitioner. It is further submitted that the learned Additional Sessions Judge-IV, Begusarai has wrongly recorded about criminal antecedent of the petitioner, in fact it is the father of the petitioner who has got three criminal antecedents.

5. It is further submitted that the informant is a co-villager and has implicated the petitioner in this case just to falsely implicate all the male members of the family.

6. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, there being no criminal antecedent of the petitioner and the fact that he has not caused any injury to the informant, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Bhagwanpur P.S. Case No. 135 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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