

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77174 of 2023

Arising Out of PS. Case No.-269 Year-2023 Thana- BIRAUL District- Darbhanga

Rajesh Yadav @ Rajesh Kumar Yadav Son Of Ram Vilas Yadav Resident Of
Village - Bhikhnauli, P.O. - Jaganathpur, P.S. - Biraul, District - Darbhanga,
Bihar, Pin - 848209

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-07-2024 Heard Mr.Kumar Kishan, learned counsel for the

petitioner and Mr.Jitendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Biraul P.S.Case No.269 of 2023,FIR dated
12.06.2023 registered for the offences punishable under
Sections 341,323,326,307,325,354(A),379,504,506/34 of IPC.

3. Allegation against the petitioner is that he
assaulted to the brother-in-law of the informant by means of
handle of hand pump causing injury on his ears.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present case.
Further submits that due to admitted land dispute between the



parties the present occurrence had taken place. There is case and counter case. As per FIR, allegation against the petitioner is that he assaulted to the brother-in-law of the informant, although he has received injury but the injury report of brother-in-law of the informant suggests that the injury is simple in nature and co-accused persons, namely, Gita Devi and Arvind Yadav have been granted privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No.75810 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he assaulted to the brother-in-law of the informant and apart from the aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner has been acquitted from the charges by the learned court below itself, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.1st, Benipur, Darbhanga in connection with Biraul P.S.Case No.269 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

(II) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his/her 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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