

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80200 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Anil Yadav @ Anil Kumar S/o Sisoli Yadav @ Mandal Resident of Village-
Hario, P.S. Magadh Medical, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2024 Heard Mr. Gajendra Kumar Singh, learned counsel

for the petitioner and Mr. Rajendra Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Magadh Medical P.S. Case No. 108 of 2023, F.I.R. dated 08.03.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 379 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, there is allegation of lurking house trespass, use of criminal force and making firing besides other activities.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although the petitioner is named in the FIR but from a bare perusal of the



FIR it appears that there is no specific allegation of any assault or overt act against the petitioner rather specific allegation of assault is against the co-accused persons, namely, Raushan Kumar, Abhishek Kumar, Ram Prakash Yadav, Neeraj Kumar, Suraj Kumar, Pradeep Kumar and Prince Kumar. He further submits that co-accused persons, namely, Dilip Yadav @ Dilip Kumar, Praveen Kumar and Dharmendra Kumar @ Baudha Yadav have already been granted privilege of anticipatory bail by this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 83294 of 2023.

5. Learned Additional Public Prosecutor for the state, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner has clean antecedent, there is no specific allegation of any assault or overt act against the petitioner and co-accused persons have already been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of 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 the learned



A.C.J.M-II, Gaya in connection with Magadh Medical P.S. Case No. 108 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 absence on two consecutive dates without sufficient reason, his 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 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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