

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- NAYAGAON District- Begusarai

1. Doman Yadav @ Domi Yadav S/O Ram Kishun Yadav Village- Mathar Ward No. 7, Ps. Nayagaon, Dist. Begusarai.
2. Nand Lal Yadav @ Nandlal Kumar S/O Doman Yadav @ Domi Yada Village- Mathar Ward No. 7, Ps. Nayagaon, Dist. Begusarai.
3. Raghubeer Yadav @ Raghubeer Kumar S/O Jhaksu Yadav Village- Mathar Ward No. 7, Ps. Nayagaon, Dist. Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Yadav, Advocate
For the State	:	Dr. Indihar Kumari, APP
For the Informant	:	Mrs. Muskan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioners, Mrs. Muskan Singh, learned counsel for the informant and Dr. Indihar Kumari, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners are apprehending their arrest in connection with Nayagaon P.S. Case No. 27 of 2023, F.I.R. dated 06.05.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that due to some petty dispute the present occurrence has taken place and there is case and counter case. He further submits that from a bare perusal of the FIR it appears that petitioner no.1 is the order giver, petitioner no.2 has snatched Rs. 10,000/- from the box and there is specific allegation of assault is attributed against the petitioner no.3 that he has assaulted with the bamboo stick upon the informant but injury report of the informant suggests that although he has received the injury but the injury is simple in nature caused by the blunt object.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submit that the petitioners are named in the FIR and there is direct and specific allegation against the petitioner no.3 that he has assaulted to the informant apart from that petitioner no.1 carries two criminal cases, petitioner no.2 carries one criminal case and petitioner no.3 has no criminal antecedent.

6. Considering the aforesaid facts, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Nayagaon P.S. Case No. 27 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. Petitioners 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 petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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