

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81182 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- HULASGANJ District- Jehanabad

1. Balram Yadav @ Baliram Yadav @ Bal Ram Son of Umesh Yadav R/o vill - Rampur, P.S. - Hulasganj, Distt. - Jehanabad
2. Manish Kumar Son of Krishna Yadav R/o vill - Rampur, P.S. - Hulasganj, Distt. - Jehanabad
3. Babli Devi @ Bablee Devi Wife of Krishna Yadav R/o vill - Rampur, P.S. - Hulasganj, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner seeks permission to withdraw this application with respect to petitioner no. 1 namely, Balram Yadav @ Baliram Yadav @ Bal Ram.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.

5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Hulasganj P.S.



Case No. 141 of 2023, F.I.R. dated 12.08.2023 for the offences punishable under Sections 341, 323, 307, 325, 354, 504, 506/34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including these petitioners have entered into the house of the informant and assaulted his daughter and son due to which they sustained injuries in their head.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is no allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the date of occurrence as alleged in the F.I.R is 05.08.2023 but the present F.I.R has been instituted on 12.08.2023 i.e. after delay of about 7 days without giving any explanation about the said delay. He further submits that there is case and counter case between the parties which was field by the side of petitioners against the informant and his family members.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners. .



9. Considering the aforesaid facts and circumstances that there is no allegation of any assault attributed against these petitioners and there is case and counter case between the parties and the petitioners have clean antecedent, let the petitioners (**except petitioner no. 1**), 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Hulasganj P.S. Case No. 141 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 bond 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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