

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84408 of 2023

Arising Out of PS. Case No.-256 Year-2021 Thana- GOPALPUR District- Patna

SHANKAR PRASAD @ SHANKAR YADAV SON OF DEVENDRA
YADAV R/O VILLAGE- SHAHPUR, P.S.- GOPALPUR, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Pallavi, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Ms. Kumari Pallavi, learned counsel for the
petitioner and Mr. Nagendra Prasad, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Gopalpur P.S. Case No. 256 of 2021, F.I.R. dated 27.07.2021 registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 379, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with 20 other accused persons entered into the house of the informant with deadly weapons along with lathi, and danda and started abusing and assaulting the wife of the informant and children. It is further alleged that they snatched a golden chain from his wife and threatened not to file any case.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts that there is no specific allegation attributed against the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Gopalpur P.S. Case No. 256 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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