

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2074 of 2024

Arising Out of PS. Case No.-318 Year-2022 Thana- HALSI District- Lakhisarai

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1. Shrawan Yadav @ Shrawan Kumar S/O Pyare Yadav R/O Village- Dhira, P.S- Halsi, Distt.- Lakhisarai.
 2. Lakshman Kumar @ Laxman Yadav S/O Chiratra Yadav @ Chari Yadav R/O Village- Dhira, P.S- Halsi, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Amarendra Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Halsi P.S. Case No. 318 of 2022, F.I.R. dated 09.12.2022 for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, on the order of the petitioner no.2, petitioner no.1 assaulted the brother of the informant, namely, Mukesh Yadav.

4. 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 due to old



dispute the present occurrence took place between the parties. He further submits that there is no specific overt act against the petitioner no.2 and there is allegation against the petitioner no.1 to assault the brother of the informant but the injury report suggests that the injury found upon him is simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances, 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, Lakhisarai in connection with Halsi P.S. Case No. 318 of 2022, 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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