

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86164 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- RAJAOLI District- Nawada

-
1. Upendra Yadav @ Upendra Yadv S/O Kashi Yadav Village- Karigaon, Ps. Rajauli, Dist. Nawada
 2. Navlesh Kumar @ Laulin Yadav S/O Kashi Yadav Village- Karigaon, Ps. Rajauli, Dist. Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajauli P.S. Case No. 350 of 2023, F.I.R. dated 20.06.2023 for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and her husband.

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 from a bare perusal of the FIR itself it appears that due to old dispute the present occurrence has taken place. He further submits that



from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that as per allegation the petitioners have assaulted the informant and her husband and both of them have received the injuries.

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

6. . Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner no.1 in connection with Rajauli P.S. Case No. 350 of 2023 pending in the court of learned Chief Judicial Magistrate, Nawada.

7. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

8. As regards petitioner no.2 is concerned, let the petitioner no.2, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S.



Case No. 350 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 no.2 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 no.2 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 no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.2. 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)

ajay/-

U		T	
---	--	---	--

