

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1438 of 2024

Arising Out of PS. Case No.-223 Year-2022 Thana- SANDESH District- Bhojpur

Dharmendar Yadav, Son of Ram Prasad Yadav, R/o vill - Phulari, P.S. -
Sandesh, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Sandesh P.S. Case No.223 of 2022 registered for the offences punishable under Sections 341, 323, 504, 379 and 307/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had assaulted one Binod Yadav due to which he sustained injuries.

4. Learned counsel for the petitioner submits that there is an allegation against the petitioner that he had assaulted Binod Yadav on his head but no specific arm has been attributed to said Binod Yadav and there is no allegation of repeated

assault. Learned counsel submits that in the impugned order, it is noted that the injury caused to Binod Yadav is simple in nature and the petitioner has otherwise no criminal antecedent.

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

6. Having regard to the submission that there is an allegation against the petitioner that he had assaulted Binod Yadav on his head but no specific arm has been attributed to said Binod Yadav, there is no allegation of repeated assault and in the impugned order, it is noted that the injury caused to Binod Yadav is simple in nature and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sandesh P.S. Case No. 223 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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