

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3500 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- KONCH District- Gaya

1. Kali Yadav S/O Late Devlal Yadav R/O Village - Rasalpur, P.S - Konch, District - Gaya
2. Durga Yadav S/O Late Devlal Yadav R/O Village - Rasalpur, P.S - Konch, District - Gaya
3. Kameshwar Yadav S/O Late Nanhu Yadav R/O Village - Rasalpur, P.S - Konch, District - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Vinod Kumar, the learned counsel for the petitioners and Mr. Anuj Kumar Shrivastava, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Konch PS Case No. 213 of 2024, FIR dated 26.05.2024, registered for the offences punishable under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons, variously armed, came to the house of the informant and assaulted informant, his nephew and other persons who came to their rescue.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case due to some petty dispute. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather the specific allegation is attributed against the co-accused person namely, Rakesh Kumar. He lastly submits that although some persons have received injury, but injury report of the injured persons suggest that injury is simple in nature (Annexure-P/2/series).

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Gaya, where the case is pending in connection with **Konch PS Case No. 213 of 2024**, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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