

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8653 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- SARMERA District- Nalanda

1. Tunna Yadav @ Surendra Yadav S/o Chote Yadav R/o vill.- Sarmera, P.S.- Nalanda, Distt - Nalanda, Bihar
2. Arvind Yadav S/o Chote Yadav R/o vill.- Sarmera, P.S.-Nalanda, Distt - Nalanda, Bihar
3. Arjun Yadav S/o Chote Yadav R/o vill.- Sarmera, P.S.-Nalanda, Distt - Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Mr. Rahul Kumar, learned counsel for the

petitioners and Mr. Sanjay Kumar Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sarmera P.S. Case No. 213 of 2024, F.I.R. dated 27.09.2024 for the offences punishable under Sections 190, 191(3), 126(2), 115(2), 117(2), 109(1), 76, 303(2), 352, 351(1), 325 and 3(5) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, due to petty dispute, all the accused persons including these petitioners armed with lathi and farsa assaulted the informant and his family members.



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 although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of assault attributed against these petitioners rather the specific allegation is against the co-accused persons, namely, Ranjeet Yadav, Suresh Yadav and Bhasho Yadav @ Arun Yadav that they have assaulted the family members of the informant.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no specific allegation of assault against these petitioners, 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 bond 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, Nawada in connection with Sarmera P.S. Case No. 213 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /



Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 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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