

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9499 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- TEKARI District- Gaya

1. Subhash Kumar @ Praphul Kumar S/O Satyendra Yadav R/O Village- Mardua, P.O- Iguna, P.S- Tekari, District- Gaya.
2. Shailendra Yadav S/O Rajdeo Yadav R/O Village- Mardua, P.O- Iguna, P.S- Tekari, District- Gaya.
3. Sunil Yadav @ Sunil Kumar S/O Rajdeo Yadav R/O Village- Mardua, P.O- Iguna, P.S- Tekari, District- Gaya.
4. Rajendra Yadav S/O Sukhari Yadav @ Chandradev Yadav R/O Village- Mardua, P.O- Iguna, P.S- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2025 Heard Mr. Parmeshwar Vishwakarma, learned counsel for the petitioners and Mr. Ahmad Ali, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Tekari P.S. Case No. 50 of 2024, F.I.R. dated 24.01.2024 registered for the offences punishable under Sections 447, 341, 323, 308, 324, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came with lathi and rod and



assaulted to the informant and family members due to which they sustained injuries. Petitioner no. 1, namely, Subhash Kumar also came with lathi and assaulted to the informant on head due to which he sustained head injury.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 22.01.2024 but the present F.I.R. was instituted on 24.01.2024 after delay of two days without giving any explanation of delay. It appears from the F.I.R. that the F.I.R. is in two parts, in first part, there is specific allegation against petitioner no. 1, namely, Subhash Kumar @ Praphul Kumar that he assaulted to the informant and in second part, there is no specific allegation against rest petitioners rather there is general and omnibus allegation against all the accused persons except the petitioner no. 1. He further submits that the injury report of the injured person including the informant suggests that all the injuries are simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedents and the injuries inflicted upon the injured persons are simple in nature, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Gaya in connection with Tekari P.S. Case No. 50 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 antecedents, 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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