

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33490 of 2024

Arising Out of PS. Case No.-528 Year-2023 Thana- FATEHPUR District- Gaya

Naresh Yadav s/o- Mahavir Yadav R/o Vill- Kodiya, P.O.- Gurpa, P.S.-
Fatehpur, Dist- Gaya, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shahbaj Alam

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 01-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 354, 427, 379, 306, 504, 34 of the Indian Penal Code. .

3. The FIR discloses that on 15.07.2023 at around 6:00 P.M., the petitioner along with six others had come to the house of the informant and starting hurling abuses and also misbehaved with his daughter Parwati Devi and also assaulted his sister-in-law(Bhabhi) with fists and lathi and also indulged in brick-bating.

4. Learned counsel for the petitioner submits that a bare perusal of the First Information Report would go to show that there is general and omnibus allegation on all the accused persons of having assaulted the informant and misbehaved with



the female members of the family. It would also be evident from the FIR that the reason for such dispute is related to land and it is for this reason that the petitioner has been falsely implicated in the present case. Further submission is that the reason of dispute is related to Champa Devi and not with this petitioner and even in the FIR, the allegation is somewhat specific with regard to Karan Kumar and Champa Devi and not with regard to this petitioner.

5. By an earlier order, the petitioner was asked to file supplementary affidavit to clarify his criminal antecedent as it would appear from the bail rejection order that the petitioner bears several criminal antecedent. A supplementary affidavit has been filed in which it has been specifically stated that the petitioner bears no criminal antecedent and the observation made in the order of the learned court below is an apparent error of record. Paragraph nos. 17, 18 and 19 of the case diary relate to the criminal antecedents of the co-accused Champa Devi, Dewanti Devi and Dhaneshwari Devi and they do not relate to the present petitioner.

6. Learned APP for the State has opposed the application for anticipatory bail.

7. Considering the facts and circumstances and also



considering that no one has got injured in the entire transaction and the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Fatehpur P.S. Case No. 528 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. However, before furnishing of the bail bonds the statement made by the petitioner in the supplementary affidavit that he has no criminal antecedent would be verified by the learned court below.

(Soni Shrivastava, J)

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