

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48341 of 2025**

Arising Out of PS. Case No.-730 Year-2022 Thana- MOHANPUR District- Gaya

Birendra Yadav @ Birendra Kumar Yadav S/o- Balo Yadav R/o Village-
Parsauni Ps- Mohanpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 06-08-2025 Heard Mr.Arvind Kumar Singh, learned counsel for
the petitioner and Mr.Md. Nazir Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mohanpur P.S. Case No.730 of 2022, dated
18.08.2022 registered for the offences punishable under
Sections 341,323,324,354,379 & 307/34 of IPC.

3.According to prosecution case, the co-accused
persons named therein have assaulted the informant and
outraged the modesty of the wife of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR that there is no specific allegation of any assault or
overt-act attributed against the petitioner. Specific allegation of



assault is attributed against co-accused persons, namely, Babulal Yadav and Dinesh Yadav. It appears from the FIR itself that the date of occurrence as alleged in the FIR is 08.08.2022 but the statement of the informant was recorded on 13.08.2022 and the present FIR has been instituted on 18.08.2022 which suggests that the informant has filed the present case with ulterior motive only to falsely implicate the petitioner and other co-accused persons.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and the present FIR has been instituted after delay of about 10 days, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Sherghati, Gaya in connection with Mohanpur P.S. Case No.730 of 2022, 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:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his/her 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.

(Rajesh Kumar Verma, J)

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