

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60851 of 2024

Arising Out of PS. Case No.-178 Year-2022 Thana- ARER District- Madhubani

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1. DHAYANI YADAV SON OF JAGDISH YADAV R/V- KUSMAUL, P.S.- BENIPATTI, DISTT.- MADHUBANI
 2. ARUN YADAV SON OF JUGESHWAR YADAV R/V- KUSMAUL, P.S.- BENIPATTI, DISTT.- MADHUBANI
 3. SANJAY YADAV SON OF JUGESHWAR YADAV R/V- KUSMAUL, P.S.- BENIPATTI, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2025 Heard Mr. Ashad, learned counsel for the

petitioners and Mr. Binod Kumar No.3, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Arer P.S. Case No. 178 of 2022, F.I.R. dated 04.11.2022 for the offences punishable under Sections 341, 323, 324, 307, 448, 452, 380, 354(B), 384, 427, 504, 506, 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners assaulted the informant and his family by means of lathi, danda, outraged the modesty of the mother and aunt of the informant and took jewellerys and money from 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. It appears from the FIR that all the petitioners are named in the FIR but from the bare perusal of the FIR there is no specific allegation of assault or overt act against the petitioners and there is case and counter case. Although the informant received injury but the injury report suggest that injury is simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation against these petitioners and injury is simple in nature, 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 S.D.J.M. Benipatti, Madhubani in connection with Arer P.S. Case No. 178 of 2022, 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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