

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73030 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- BALIYA District- Begusarai

1. Shasi Yadav @ Shashi Yadav @ Shashikant Yadav S/O Bilash Yadav R/O Pokhariya, P.S- Ballia, Distt.- Begusarai.
2. Rajesh Paswan S/O Ugendev Paswan R/O Sugharan, P.S- Dandari, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr.Anil Kumar Sinha, learned counsel for the petitioners and Mr.Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ballia P.S.Case No.230 of 2024, FIR dated 19.07.2024 registered for the offences punishable under Sections 329(3), 115(2), 303(2), 324(4), 324(5), 351(2), 351(3) and 352 of Bhartiya Nyay Sanhita, 2023.

3. Allegation against the petitioner No.1 Shashi Yadav is that he assaulted to the son of the informant with a stick on his head due to which his head swelled and allegation against petitioner No.2 is that he assaulted him on the neck



with a stick due to which he got seriously injured.

4. Learned counsel for the petitioners submits that petitioner No.1 carries one more case other than the present one under the Excise Act and petitioner No.2 has clean antecedent and they have falsely been implicated in the present case. Learned counsel for the petitioners submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that as per FIR, allegation against the petitioner is that he assaulted to the son of the informant, namely, Prabhat Kumar. Although he has received five injuries but from a bare perusal of the injury report of the Prabhat Kumar it appears that although he has received five injuries but the injury report of Prabhat Kumar suggests that all the injuries are simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid fact as well as nature of injury inflicted upon the injured person, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No.230 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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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