

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75318 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1. Chhathu Yadav S/o- Late Janki Yadav Village - Bankat Ps- Bishambharpur Dist- Gopalganj
2. Ajeet Yadav @ Ajeet Kumar Son of Chhathu Yadav Village - Bankat Ps- Bishambharpur Dist- Gopalganj
3. Guddu Yadav @ Guddu Kumar Son of Chhathu Yadav Village - Bankat Ps- Bishambharpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Yadav, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Upendra Yadav, learned counsel for the petitioners as well as Mr. Shantanu Kumar , learned Additional Public Prosecutor for the State.

2. After some argument, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application of the petitioner nos. 2 & 3, namely, Ajeet Yadav and @ Ajeet Kumar and Guddu Yadav @ Guddu Kumar, respectively.

3. Permission is accorded.

4. Accordingly, the present bail application is dismissed as withdrawn with respect to petitioner no. 2 & 3.

5. The petitioner, namely, Chhathu Yadav, is apprehending his arrest in connection with Bishambharpur P.S. Case No. 94 of 2024, F.I.R. dated 21.07.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 352 and 3(5) of B.N.S. Act.

6. According to prosecution case, due to some land dispute the petitioner and other co-accused persons assaulted the informant with various weapons on the way to market.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent, he has falsely been implicated in the present case. Although, petitioner is named in the FIR, but from the perusal of the FIR, it appears that there is specific allegation of assault against the similarly situated co-accused persons, namely, Ajeet Yadav and Guddu Yadav. Although, the petitioner had also assaulted the father of the petitioner, but there is no injury report which suggests that the father of informant has received any specific injury.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts that no injury report is available on the record which suggests that the father of the petitioner has sustained simple injury and the petitioner is

having clean antecedent, let the petitioner, namely, Chhathu Yadav, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 4th Class, Gopalganj in connection with SBishambharpur P.S. Case No. 94 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S. Act 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 absence on two consecutive dates without sufficient reason, his 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

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.)

Jyoti Kumari/-

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