

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75332 of 2024

Arising Out of PS. Case No.-295 Year-2020 Thana- KISHANPUR District- Supaul

1. Prabhu Yadav S/O Nunu Lal Yadav Resident of Village- Tharbitta, P.S.- Kishanpur, District- Supaul
2. Bilat Yadav @Kumar Abhinav S/O Ganga Prasad Yadav Resident of Village- Maheshwa, P.S.- Tribeniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Kamal Kishore Singh, learned counsel for the petitioners as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kishanpur P.S. Case No. 295 of 2020, F.I.R. dated 27.11.2020 for the offences punishable under Sections 341, 323, 308, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners have assaulted the informant by means of lathi causing head injury.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The informant is brother of the petitioner no. 1

and due to some petty dispute, the present occurrence has been taken place. He further submits that from perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

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

6. Considering the aforesaid facts that the petitioners are having clean antecedent and there is no specific allegation of assault against these petitioners, 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 Additional Chief Judicial Magistrate 5th Class, Supaul in connection with Kishanpur P.S. Case No. 295 of 2020, 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 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.)

Jyoti Kumari/-

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