

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85362 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- PARASBIGHA District- Jehanabad

Santosh Yadav S/o- Mahendra Yadav Resident of village-Mandichak PS-
Parsabigha District-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr. Amrendra Kumar Singh, learned counsel

for the petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parasbigha P.S. Case No. 252 of 2023, F.I.R. dated 16.12.2023 for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and later on Section 147, 148, 149 and 307 of the Indian Penal Code were added.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the informant and his family members.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that although the petitioner is named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather the specific allegation of assault is against the co-accused, Prabhu Yadav. He further submits that the similarly situated co-accused persons, namely, Sinku Kumar @ Rahul Raj, Lalu Yadav @ Rohit Kumar and Sanni Yadav @ Sanni Kumar have been granted anticipatory bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 41153 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no allegation against this petitioner and the co-accused persons have been granted anticipatory bail by this Court, let the petitioner, 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 Judicial Magistrate 1st Jehanabad in connection with Parasbigha P.S. Case No. 252 of 2023, 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. 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)

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