

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89176 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Vikash Yadav @ Vikash Kumar Son of Gorakh Yadav @ Gorakh Singh
village- Kodwan, Ps- Jagdishpur, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Ms. Priya, learned counsel for the petitioner

and Mr.Anil Prasad Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No.239 of 2023, dated 15.06.2023 registered for the offences punishable under Sections 147,149,341,323,325,307,379,504,506 of IPC.

3. Allegation against the petitioner is that he along with other co-accused persons assaulted the son of the informant brutally with Lathi-Danda, fists and slaps with intention to commit his murder due to which the waist of the informant's son got fractured and they have also broken the head of the informant's son by assaulting with lathi due to



which he is facing trouble in discharge of his daily routine work.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Although the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and similarly situated co-accused persons, namely, Ashish Yadav and Ashish Kumar and Pappu Yadav @ pramod Kumar have been granted privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. Nos.26959 of 2024 and 25249 of 2024 respectively.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act against the petitioner and similarly situated co-



accused persons have been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his 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 learned ACJM, Bhojpur at Ara in connection with Jagdishpur P.S. Case No.239 of 2023,subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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)

Nitesh/-

U		T	
---	--	---	--

