

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45953 of 2014

Arising Out of PS.Case No. -95 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

1. Biro Yadav, Son of Chamaklal Yadav.

2. Ranjeet Yadav Son of Kailash Yadav.

Both are resident of Village - Faridpur, P.S. Goradih, District –
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 01-05-2015

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Jagdishpur
(Goradih) P.S. Case No. 95 of 2014 dated 25.04.2014 instituted
under Sections 341/323/379/504/506/34 of the Indian Penal
Code.

The petitioners along with another person are
accused of assaulting the informant and also taking away one
H.P. Motor and pipes meant for irrigation.

Learned counsel for the petitioners submits that
from the F.I.R. itself, it is clear that the alleged date of
occurrence is 20.04.2014 whereas the F.I.R. was instituted
only on 25.04.2014, for which there is no explanation. It is
submitted that from a mere glance of the fardbeyan, it would
be clear that the explanation for the delay of going out of the
house has been written subsequently and is clearly a later

interpolation/addition. Learned counsel submits that besides there has being no criminal antecedent, nothing has been recovered from the possession or house of the petitioners and that they are co-villagers and the dispute arose on account of irrigating the field as the land of the petitioners is adjacent to that of the informant.

Learned A.P.P. does not dispute the fact that from a mere perusal of the F.I.R. it is clear that the explanation for delay has been written subsequently.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Jagdishpur (Goradih) P.S. Case No. 95 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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