

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23491 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -KAUAKOL District- NAWADA

=====

1. Gorelal Yadav, son of Hari Yadav.

2. Nandu Yadav, son of Hari Yadav

Both resident of village- Rampur Balua, P.S. Kawakole, Dist.- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Manal, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 13-07-2017

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

2. The petitioners apprehend arrest in connection with
Kawakole P.S. Case No. 91 of 2016 dated 14.07.2016 instituted under
Sections 341/323/307/379/504/506/34 of the Indian Penal Code.

3. The allegation against the petitioners and three others
is of general assault whereas against the other co-accused, not the
petitioners herein, of assault by iron rod and of taking away a box



containing jewellery and Rs. 11,000/- cash.

4. Learned counsel for the petitioners submitted that the *fardbeyan* itself would reveal that the parties are agnates and due to dispute relating to filling up land in their house by J.C.B., the present case has been lodged. Learned counsel further submitted that the injury was caused by hard blunt substance and directly attributable to co-accused and not the petitioners. It was further submitted that the petitioners have no criminal antecedent.

5. Learned A.P.P. submitted that the petitioners are also said to have assaulted the informant. However, he is not in a position to controvert the fact that against the petitioners the allegation is only general and omnibus of assault.

6. 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 four 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 A.C.J.M. IV, Nawada in Kawakole P.S. Case No. 91 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also



give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

