

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23236 of 2017

Arising Out of PS.Case No. -410 Year- 2015 Thana -SHEIKHPURA District- SHEIKHPURA

- =====
1. Shailendra Yadav, Son of Late Jaldhari Yadav.
 2. Mangal Yadav Son of Shailendra Yadav.
 3. Kundan Yadav @ Kundan Kumar, Son of Shailendra Yadav.
 4. Prahlad Yadav, Son of Kantu Yadav.
 5. Chandan Yadav, Son of Late Arjun Yadav.
- All resident of Village - Parbhubigha, Police Station - Koshumbha
O.P., District - Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar and Mr. Bipin Kumar, Advocates
For the State	:	Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-07-2017

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

2. The petitioners apprehend arrest in connection
with Sheikhpura (Kusumbha O.P.) P.S. Case No. 410 of 2015 dated
22.12.2015 instituted under Sections 147/148/149/341/323/324/
307/504 of the Indian Penal Code.

3. The allegation against the petitioners and three
others is of assault on the informant and others by *Gadasa* and sword.

4. Learned counsel for the petitioners submitted that
though there was some altercation between the parties but the reason



was with regard to irrigation by a Pump Set and both sides have suffered injury and there is also a counter case. It was submitted that the counter case filed by the petitioner no. 1 is prior in time and both the F.I.Rs. relate to the same incident. Learned counsel submitted that in the other case the police themselves have released the accused. It was submitted that in the present case also police had not sent up petitioners no. 2, 4 and 5 for trial and with regard to petitioners no. 1 and 3, the chargesheet was not under Section 307 of the Indian Penal Code.

5. Learned A.P.P. submitted that the fact is that the petitioners assaulted the informant and others prove that they have committed the offence.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of their 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, Sheikhpura in Sheikhpura (Kusumbha O.P.) P.S. Case No.410 of 2015, 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 cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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