

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16310 of 2019**

Arising Out of PS. Case No.-238 Year-2018 Thana- NARDIGANJ District-
Nawada

- =====
1. Girija Devi W/o Dharmendra Yadav (Female) aged about 35 years.
 2. Kalawati Devi W/o Bachchu Yadav, female, aged about 68 years.
 3. Putul Devi W/o Upendra Yadav, female, aged about 49 years
 4. Upendra Yadav @ Upendar Yadav S/o Bachchu Yadav, male, aged about 52 years.
 5. Biro Yadav @ Biro Prasad S/o Bachchu Yadav , male, aged about 38 years.
 6. Dharmendra Yadav @ Dharmendar Yadav S/o Bachchu Yadav, male, aged about 43 years.
 7. Chhotelal Yadav S/o Upendra Yadav, male, aged about 19 years.
 8. Lalu Yadav S/o Upendra Yadav, male, aged about 22 years.
 9. Kundan Yadav @ Kundan Kumar S/o Upendra Yadav, male, aged about 20 years.
 10. Raushan Kumar S/o Dharmendra Yadav, male, aged about 19 years.
 11. Lakashman Yadav @ Lakshman Kumar S/o Birendra Yadav male, aged about 19 years.

Both are Resident of Village-Babhnauli, P.S-Nardiganj, District-Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Deepak Kumar, Advocate.

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-03-2019

Heard learned counsel for the petitioners and learned

APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 380, 323, 308, 354(B), 337, 427 and 504 of the Indian Penal Code registered in



connection with Nardiganj P.S. Case No. 238 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation of assault with *khanti* and *rod* and of misbehaving with Barti Devi is on co-accused Bachchu Yadav and Anil Yadav. The accusation of snatching jewellery from the person of Barti Devi is mere embellishment. The accusation of brick batting at the house causing damage to the informant's property by the petitioners is general and omnibus and no injury has been attributed to them. The parties are *gotiya* and have ongoing land dispute. There is case and counter case between the parties. The other cases in which some of the petitioners are accused relating to cases filed by the informant's side in which bail has been granted.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Deepak Kumar, learned Judicial Magistrate 1st Class, Nawada in connection with Nardiganj P.S. Case No. 238 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners



shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 1 to 3 shall be well represent and petitioner nos. 4 to 11 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

lbrar//-

U			
---	--	--	--

