

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29898 of 2019

Arising Out of PS. Case No.-186 Year-2018 Thana- SUGAULI District- East
Champaran

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1. MANAGER YADAV Son of Satyanarayan Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 2. Pradeep Yadav Son of Yogendra Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 3. Brijesh Kumar @ Brijesh Kumar Yadav @ Guddu Yadav Son of Madan Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 4. Sujeet Yadav Son of Vijay Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 5. Satya Narayan Yadav Son of Late Chaturi Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 6. Radheyshyam Yadav Son of Baccha Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 7. Baccha Yadav Son of Late Harimohan Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 8. Santosh Yadav Son of Late Bhikham Rai Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 9. Chuman Yadav Son of Late Kirani Rai Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 10. Kishori Yadav Son of Kishori Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 11. Dilip Yadav Son of Yogendra Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 12. Dasai Yadav @ Nawal Kishore Yadav Son of Late Chaturi Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 13. Bijay Yadav @ Vijay Yadav Son of Late Harimohan Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.
 14. Yogendra Yadav Son of Late Lagan Yadav Resident of Village- Kurumtola, P.S.- Sugauli, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.



For the Opposite Party: Mr. Ajay Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 149, 147, 148, 341, 323, 307, 324, 325, 337, 338, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Sugauli P.S. Case No. 186 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute in respect of which Title Suit No. 427 of 2017 is ongoing and there is case and counter case between the parties. The specific accusation of assault is against co-accused Amarjeet Yadav while the accusation against the present petitioners is general and omnibus. Injuries are simple in nature.

4. Learned APP appears and opposes the petition, submitting on the basis of case diary that out of three injuries, one injury sustained Dharmendra Tiwari has been kept reserved for final opinion.

5. 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 provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 186 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 shall be a close relative of the petitioners.

(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 petitioners 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.

6. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bonds, that no grievous injury has been caused to the informant. In case any grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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