

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45453 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- BABUBARHI District- Madhubani

1. DEO NATH YADAV @ DEBO YADAV Son of Late Sundar Yadav Resident of Village - Bhatchaura, P.S.- Babubarhi, Dist.- Madhubani.
2. Kiran Devi W/o Krishan Kumar Yadav @ Kishan Yadav Resident of Village - Bhatchaura, P.S.- Babubarhi, Dist.- Madhubani.
3. Eklash Devi W/o Deonath Yadav @ Debo Yadav Resident of Village - Bhatchaura, P.S.- Babubarhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 324,307,354,504/34 IPC registered in connection with Babubarhi P.S. Case No. 08 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. It is submitted that the specific accusation of assault with knife is on co-accused Krishna Kumar Yadav @ Kisan Yadav whereas, the accusation against the petitioners is of assault with fists and slaps which is general and omnibus in nature. It is submitted that the said co-accused Krishna Kumar Yadav @ Kisan Yadav had arrived subsequently with knife and assaulted the informant's husband on his stomach and chest, multiple times. It is therefore, submitted that the ingredients of the offence under Section 307 IPC are not made against the petitioners who are not armed. There is no accusation in the FIR to attract the provisions of Section 354 IPC. The petitioners claim clean antecedents.



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 learned ACJM III, Madhubani, in connection with Babubarhi P.S. Case No. 08 of 2019, 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 co-operate 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. The petitioner no.1 shall remain physically present and petitioner nos. 2 and 3 shall be well represented 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)

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