

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8323 of 2020

Arising Out of PS. Case No.-446 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. JITENDRA YADAV @ JITENDRA KUMAR Son of Birendra Yadav Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
2. Sujit Kumar Son of Muni Yadav @ Munni Yadav Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
3. Nagendra Yadav @ Nagendra Kumar Yadav Son of Late Rama Nand Yadav Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
4. Mukesh Kumar @ Mukesh Son of Ram Laddu Singh Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
5. Ram Laddu Singh @ Ram Ladu Singh Son of Late Basawan Singh Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
6. Ram Sakal Prasad Son of Late Jangi Prasad Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.
7. Gauri Shankar Prasad Son of Late Ganga Prasad Resident of Village - Tarwan, P.S. - Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-02-2020 Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Muffasil PS Case No. 446 of 2019 registered under Sections 147, 148, 149, 188, 341, 323, 307, 504, 427, 447, 506, 379, 384 IPC and Section 27 of the Arms Act.

Learned Counsel for the petitioners submits that there is no injury to sustain the allegations made in the FIR. The FIR has been lodged on extraneous consideration being the subsisting land dispute in relation to the plot on which the offence is said to have been committed.



Primarily the allegations are levelled against Raju Yadav who upon his surrender in the court below has been enlarged on bail. Against the petitioners it is surprising that no specific allegations have been attributed in detail in the FIR which points out to the falsity of the allegations.

Learned APP has opposed the prayer for bail.

Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioner. The prayer is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Siwan in Muffasil PS Case No. 446 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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