

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7968 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- SARMERA District- Nalanda

1. UMA YADAV Son of Bharat Yadav
 2. Pawan Yadav Son of Mallu Yadav
 3. Krishna Yadav Son of Shivnandan Yadav
 4. Radhey Yadav Son of Saryug Yadav
 5. Sadhu Yadav Son of Ashok Yadav
 6. Ashok Yadav Son of Harihar Yadav
 7. Sunita Devi D/o Mallu Yadav
- All Resident of Village - Narsingpur, P.S.- Sarmera, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhoy Kumar Kashyap

For the Opposite Party/s : Mr.Ishrat Bano

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

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

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 147, 149, 341, 323, 332, 337, 353, 186, 225 and 504 of the Indian Penal Code.

Allegation against the FIR named accused and 30-40 unknown miscreants is to have assaulted the police force in order to set free arrested miscreant Mohan Yadav and finally they succeeded in getting him free.



It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case on the basis of statement made by Chaukidar, who is on inimical terms with petitioners families. Allegations against petitioner as well as 30-40 unknown are general and omnibus in nature. There is no allegation of any specific overt act against the petitioners. Specific allegation of causing obstruction is against Gaurav Kumar, brother of arrested accused Mohan Yadav. It has further been submitted that at the time of occurrence, petitioners were not there but the police has cooked up a false story to implicate the petitioners due to false statement given by the Chaukidar. No police personnel has suffered any injury. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sarmera P.S. Case No.175 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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