

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6470 of 2020

Arising Out of PS. Case No.-374 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

1. Sunil Yadav @ Sunil Ydav, aged about 20 years, Male S/o Nanji Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
2. Kallu Yadav, aged about 19 years, Male, S/o- Nanji Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
3. Ravindra Yadav, aged about 42 years, Male, S/o Janardan Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
4. Chhathu Yadav, aged about 21 years, Male S/o Ravindra Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
5. Dinesh Yadav, aged about 45 years, Male, S/o Late Sumeshwar Yadav @ Sumeswer Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
6. Bhadukan Yadav, aged about 40 years, Male, S/o Late Sumeshwar Yadav @ Sumeswer Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
7. Brahmdev Yadav, aged about 38 years, Male, S/o- Late Damodar Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
8. Jodhan Yadav, aged about 20 years, Male, S/o Late Sumeshwar Yadav @ Sumeswer Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.
9. Janardan Yadav, aged about 60 years, Male, S/o Late Dasa Yadav R/o Village- Babhani, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Arvind Kumar Pradhan, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-03-2020

Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend arrest in connection
with Buxar Muffasil PS Case No. 374 of 2019 dated 06.12.2019
instituted under Sections 147/148/149/341/323/307/435/504/506



of the Indian Penal Code.

3. The allegation against the petitioners and six others is of brutal assault on the informant and other members of his family and also of burning the field on which there were bundles of grain.

4. Learned counsel for the petitioners submitted that it was the informant and his associates who were aggressors and they have brutally assaulted the father of petitioners no. 6 and 8 due to which he died in the course of treatment. It was further submitted that only to save themselves, they had lodged the present case and even the so called injuries have been found to be simple in nature whereas in the case filed by the brother of petitioners no. 6 and 8, who is also an accused in the present case, in which there is allegation of brutal assault and also under the Arms Act as their father was fired upon. Learned counsel submitted that the police during investigation have also found the allegation of burning of grains to be false. Learned counsel submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that the petitioners have also assaulted the informant and another person. However, he was not in a position to controvert the fact that in the counter attack, there has been death of the father of petitioners no. 6, 8



and another co-accused, who is not before the Court, and further that no evidence of burning of any grain has been found.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Buxar Muffasil PS Case No. 374 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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