

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6765 of 2020

Arising Out of PS. Case No.-123 Year-2019 Thana- SIMRA District- West Champaran

1. YOGENDRA YADAV, Son of Suresh Yadav
2. Pintu Yadav Son of Suresh Yadav
3. Dhananjay Yadav Son of Suresh Yadav
All Resident of Village- Bharwalia Navka Tola, P.S.- Semara, District- West Champaran.
4. Subhash Yadav @ Subash Yadav Son of Late Chandradev Yadav Resident of
Village- Puraina, P.S.- Chautarwa, District- West Champaran.
5. Vijay Mal Yadav Son of Late Shambha Yadav Resident of Village-
Pratappur, P.S.- Semara, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Mishra
For the Opposite Party/s	:	Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 20-10-2020 Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner nos.1 and 4 as they have already been arrested.

Accordingly, this application is dismissed as withdrawn as against petitioner nos.1 and 4.

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 Sections 323, 325, 307, 504/34 of the Indian Penal Code and later on Section 302



of the IPC was also added.

Informant has alleged that on 22.12.2019 at 6:00 p.m, when he was sitting at his door along with Mukhiya, Premchand Tiwari and discussing about the dispute of land and passage, Suresh Yadav, Yogendra Yadav, Pintu Yadav, Dhananjay Yadav, Vijaymal Yadav and Subash Yadav and 5-6 unknown persons came there and abused and assaulted with lathi and danda. It is further alleged that Suresh Yadav assaulted with lathi to uncle of the informant, namely, Viswanath Kushwaha on his mouth and forehead as a result of which, blood started oozing out from his nose and all accused persons also assaulted the brother and wife of informant.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It is further submitted that specific allegation of assault with lathi upon the uncle of the informant is against co-accused, Suresh Yadav, and against rest of the accused, there is general and omnibus allegation. It is lastly submitted that civil dispute is going on between the parties bearing title Suit No.126/2010 for the same land which is the part of the present dispute.

Considering the aforesaid facts and circumstances of



the case, let the petitioner no.2, Pintu Yadav, petitioner no.3, Dhananjay Yadav and petitioner no.5, Vijay Mal Yadav, 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 Semara P.S. Case No.123 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)

Sanjay/-

U		T	
---	--	---	--

