

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20734 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. Kashi Yadav @ Kashi Rai @ Kashi Nath Yadav S/o Late Shiv Kumar Yadav @ Shiv Shankar Yadav R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj
2. Shiv Mangal Yadav @ Shiv Mangal Rai S/o Late Jagu Yadav R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj
3. Bhola Yadav @ Bhola Rai S/o Bhagelu Yadav R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj
4. Bhairo Yadav @ Bhagelu Yadav S/o Bhagelu Yadav R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj
5. Umesh Yadav @ Umesh Rai S/o Bhola Yadav @ Bola Rai R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj
6. Nitish Yadav @ Nitesh Kumar S/o Bhola Yadav @ Bhola Rai R/o village- Bucheya, P.S.- Sidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through virtual mode.

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

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is



listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The prosecution case, as per the written report of Motilal Yadav submitted to the Station House Officer, Sidhwalia Police Station, is to the effect that on 08.10.2019 at 4.30 P.M., the informant was feeding cattle at his door, in the meantime, six accused persons including the petitioners came variously armed and started abusing the informant. On protest being made, they assaulted the informant. On alarm being raised when the son, daughter-in-law and daughter of the informant came to rescue, they were also assaulted. It is specifically alleged that Kashi Yadav, petitioner no. 1 raising alarm called his family members when co-accused Kunti Devi, Champa Devi and Lalita Devi and they started assaulting the family members of the informant when Kashi Yadav, petitioner snatched Mangalsutra



from the daughter-in-law of the informant. It is specially alleged that Umesh Yadav, petitioner no. 5 assaulted the informant with spade causing cut injury below the nose of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of land dispute, the accusation has been levelled. In fact, the petitioners' side lodged Sidhwalia P.S. Case No. 187 of 2019 which was registered on 10.10.2019 at 4.10 P.M. whereas the present case was lodged subsequent to that at 4.20 P.M. It is further submitted that all the three injured have received simple injuries and the petitioners' side have also received simple injuries. The specific accusation of assault is against petitioner no. 5 Umesh Yadav but the said injury has also been found simple.

Learned APP submits that the petitioners are named in the FIR with the accusation of assault and snatching Mangalsutra.

Considering the genesis of the occurrence being land dispute, injuries have been found simple and case lodged by the petitioners' side at earlier point of time, let the petitioners above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the



learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned A.C.J.M.-VI, Gopalganj in connection with Sidhwalia P.S. Case No. 188 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Gopalganj in connection with Sidhwalia P.S. Case No. 188 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three



months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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