

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 78346 of 2019

Arising Out of PS. Case No.-170 Year-2017 Thana- MORKAHI District-Khagaria

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1. Dablu Yadav, aged about 35 years (Male)
 2. Bablu Yadav, aged about 30 years (Male)

Both sons of Kapildeo Yadav, both resident of Village-Anandpur Paras, P.S.
Mokrahi (Amoushi), District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 03-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ranjeet Kumar Singh, learned counsel for the petitioners and Mr. Ram Bilash Roy Raman, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Morkahi PS Case No. 170 of 2017 dated 12.11.2017



corresponding to GR No. 3275 of 2017, instituted under Sections 341/323/448/504/279/354B/506/34 of the Indian Penal Code.

4. The allegation against the petitioners and their father is of assault and taking away of rupees two lakhs of the informant.

5. Learned counsel for the petitioners submitted that the petitioners are nephews and the other co-accused, that is, their father, is the full brother of the informant, living in the same house and there is land dispute between them. Learned counsel submitted that there was hot discussion on the alleged date between the parties and the same resulted in there being some skirmish in which both sides have suffered only bruise. It was submitted that the mother of the petitioners has also lodged Morkahi PS Case No. 171 of 2017. Learned counsel submitted that the petitioners were earlier released by the police itself on personal bond but now chargesheet having been submitted under all sections of the FIR, they have genuine apprehension of being arrested. Learned counsel submitted that the injury report discloses only mild swelling on the right thigh of one victim and on the neck of the other victim. Learned counsel submitted that as per his up-to-date instructions, the parties have also settled



the dispute and are living peacefully. It was submitted that their father has been granted anticipatory bail in Cr. Misc. No. 80915 of 2019 on 24.02.2020. It was further submitted that the petitioners have no other criminal antecedent. Learned counsel submitted that independent witnesses have stated with regard to there being fight between the two sides but there is no mentioning of any money being taken away by the petitioners from the informant.

6. Learned APP, from the case diary, submitted that some of the neighbours have stated with regard to the petitioners also taking away money from the informant.

7. 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 SDJM, Khagaria in Morkahi PS Case No. 170 of 2017 corresponding to GR No. 3275 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (a) one of the bailors shall be a close relative of the petitioners and (b) that the petitioners and the



bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

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

(Ahsanuddin Amanullah, J)

Anjani/-

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