

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13018 of 2021

Arising Out of PS. Case No.-308 Year-2019 Thana- NARDIGANJ District- Nawada

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1. UPENDRA YADAV Son of Bachchu Yadav Resident of Village- Babhnauli, P.S.- Nardiganj, District- Nawada.
 2. Biro Yadav @ Birendra Yadav Son of Bachchu Yadav Resident of Village- Babhnauli, P.S.- Nardiganj, District- Nawada.
 3. Anil Yadav @ Anil Kumar Son of Bachchu Yadav Resident of Village- Babhnauli, P.S.- Nardiganj, District- Nawada.
 4. Bachchu Yadav Son of Late Kewal Yadav Resident of Village- Babhnauli, P.S.- Nardiganj, District- Nawada. ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Deepak Kumar, Adv.

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-12-2021 Heard Mr. Deepak Kumar, learned Advocate for the petitioners and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

Mr. Deepak Kumar, learned Advocate for the petitioners, seeks permission to withdraw the application with respect to petitioner no. 4 who has been arrested during the pendency of this application.

The application of petitioner no. 4 is dismissed as as having become infructuous

The petitioners 1, 2 and 3 seek bail in anticipation of their arrest in connection with Nardiganj P.S. Case No. 308 of 2019 dated 10.12.2019 instituted for the offences under Sections



147, 149, 341, 323, 385, 379, 380, 354, 504 and 506 of the Indian Penal Code.

It has been alleged in the FIR that the prosecution side was assaulted by the petitioners.

Learned counsel for the petitioners has submitted that no specific overt act whatsoever has been attributed against the petitioners 1, 2 and 3.

There is a dispute between the parties with respect to construction of staircase in a common/joint property.

The person who is said to have assaulted one of the victims with grievous injuries is one Dharmendra Yadav who is not the petitioner before this Court.

The learned counsel for the petitioners has further submitted that because of such dispute, the present case has been lodged involving the petitioners as well.

The petitioners are persons of clean antecedent.

Petitioners 1, 2 and 3 therefore are directed to be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of their order, on their furnishing bail bonds in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned Sri Rajeev Kumar, Judicial Magistrate, 1st Class,
Nawada, in connection with Nardiganj P.S. Case No. 308 of
2019 subject to the conditions as laid down under Section
438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

Shamshad/-

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