

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13697 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- NADI NAINAHA District- West
Champaran

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Tufani Yadav, Son of Jamadar Yadav @ Jamdar Yadav, Resident of Village -
Bagahwa, P.S. - Dhanaha, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Nadi
P.S. Case No.44 of 2020 registered for the offence punishable
under Sections 147, 148, 341, 323, 324, 325, 307, 427, 504, 34
of the Indian Penal Code.

A dispute has arisen regarding grazing of the field



of the accused persons by the cattle of Dewata Yadav. Co-accused Munshi Yadav abused him. Thereafter, it is alleged that while the victim was sleeping in the field, all the accused persons have attacked him with various weapons.

Petitioner's counsel submits that the parties are agnates and from the prosecution case, it is apparent that the dispute has arisen in course of asserting rights to certain fields, between the parties. There is no specific allegation against the petitioner. Nature of injuries has been opined to be grievous as the same have been sustained in a free fight at the spur of the moment. The accused persons had no intention of killing the victim. Petitioner has no criminal antecedents and is aged about 65 years. He has been roped in merely being a family member of the other co-accused persons. He has been in custody since 06.10.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the court of learned A.C.J.M.-V, Bagaha, West Champaran, in connection with Nadi P.S. Case No.44 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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