

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16406 of 2021

Arising Out of PS. Case No.-512 Year-2020 Thana- MADHEPURA District- Madhepura

1. Krish Yadav, aged 57 years, male, s/o late Nathan Yadav R/o village-Bhadaul, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura
2. Ramballav Yadav, aged 62 years, male, S/o Late Nathan Yadav R/o village-Bhadaul, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Nafisuzzoha, Adv.
For the informant	:	Mr. Surya Narayan Yadav, Adv
For the State	:	Mr. Dasrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned Additional Public Prosecutor (for brevity, APP) for the State.

The petitioners seek bail in Madhepura (Bharrahi O.P.) Police Station (for brevity, PS) Case No 512 of 2020 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of Indian Penal Code.

A dispute over construction of the road under Panchayat Scheme has led to an altercation. 17 First Information Report (for brevity, FIR) named accused persons and 8–10



unknown persons have, thereafter, assaulted one Satya Narayan Yadav @ Soti Yadav. The informant has also alleged that co-accused Vakil Yadav has twisted the neck. Against the petitioners, there is allegation, which is omnibus and general against all the accused persons.

It is submitted by the petitioners' counsel that specific allegation is levelled against co-accused Vakil Yadav of twisting the neck of informant's uncle. It is submitted that they have falsely been implicated in this case due to village politics and from perusal of the First Information Report, it would be evident that, at best, the petitioners have been alleged to be a member of the unlawful assembly and no overt act, has been attributed to them. He further submits that in the spur of moment owing to dispute regarding the construction of the village road, the incident has taken place and there is no common intention on the part of the petitioners to kill the deceased. It is further submitted that the petitioners have no criminal antecedent and that they are in custody since 22.08.2020. Charge sheet has been submitted against the petitioners, as such, there is no likelihood of the petitioners being abscond or tamper with the evidence. Co-accused Surendra Yadav and Chandeshwari Yadav have been granted bail vide orders passed in Cr. Misc. Nos. 7318 of



2021 and 40318 of 2020 respectively.

Learned APP for the State of Bihar and learned counsel for the informant have opposed the prayer for bail. The informant's counsel has submitted that all have assaulted and, therefore, the petitioners cannot escape their criminal liability.

Considering the aforesaid, let the petitioners, above named, be released on bail on their furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) PS Case No 512 of 2020 subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for



depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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