

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30718 of 2020

Arising Out of PS. Case No.-679 Year-2019 Thana- JAMUI District- Jamui

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1. Sanjay Yadav, aged about 30 years Gender (Male), son of Kamal Yadav,
 2. Nanku Yadav, aged about 35 years, Gender (Male), son of late Tulsi Yadav,
 3. Mantu Yadav, aged about 23 years, Gender (Male), son of Tuna Yadav, All are resident of Village - Harnaha, P.S. - Jamui, District - Jamui.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Sinha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Shivendra Kumar Sinha, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. At the outset, learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no.1, Sanjay Yadav, and petitioner no.3, Mantu Yadav, as they have been arrested. It was submitted that he would be pressing the application only for petitioner no.2, Nanku Yadav.

3. The petitioner no.2, Nanku Yadav, apprehends arrest in connection with Jamui PS Case No.679 of 2019 dated



20.12.2019, instituted under Sections 147/148/149/323/308/354-A/447/427/380/506/504 of the Indian Penal Code.

4. The allegation against the petitioner and others is of general assault and specifically against co-accused, Sanjay Yadav, of having inflicted blow.

5. Learned counsel for the petitioner submitted that there was scuffle between the two sides relating to passage and though the case of the informant has been instituted, but the case on behalf of the petitioner's side was not entertained by the police due to which they have filed a complaint case. It was submitted that the petitioner's side has also sustained injuries. Learned counsel submitted that the Injury Reports, copies of which have brought on record by way of Annexure-2 series, discloses that all are simple in nature. It was submitted that there is no specific overt act alleged against the petitioner and the same is general and omnibus and further, that the petitioner has no criminal antecedent.

6. Learned APP submitted that the petitioner along with others had brutally assaulted the informant's side. However, it is not controverted that the Injury Reports disclose that the same were simple in nature.

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 petitioner no.2, Nanku Yadav, be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jamui, in Jamui PS Case No.679 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the



aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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