

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40510 of 2021

Arising Out of PS. Case No.-637 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. GAINORI YADAV S/o Late Kali Yadav R/o village- Purani Bazar Naya Tola, P.S.- Lakhisarai, District- Lakhisarai.
2. Manoj Kumar @ Motu Yadav S/o Gainori Yadav R/o village- Purani Bazar Naya Tola, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar, Advocate.
For the State	:	Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 19.07.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Gainori Yadav, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Gainori Yadav, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the



petitioner no.1, namely, Gainori Yadav.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Gainori Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Manoj Kumar alias Motu Yadav, apprehends his arrest in connection with Lakhisarai P.S. Case No.637 of 2020/G.R. No.1837 of 2020 registered under Sections 147, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The accusation is that the informant Prakash Kumar Yadav used to reside at Patna and occasionally used to visit his native village for the purpose of cultivation on his land. On 15.12.2020, the informant along with his other his family members reached at his native village, then came to know that 5 persons, named in the F.I.R., including the petitioner no.2,



namely, Manoj Kumar alias Motu Yadav, have ploughed his field. On query made by the informant, all started to cause assault by pelting bricks, stones and through lathi and iron rod. At that time, Gainori Yadav was pelting bricks, Upendra was causing assault with iron rod, Sikandar alias Baudha alias Bhujali and Manoj alias Motu (petitioner no.2) were pelting stones, restraining the informant not to enter in the house. At that time, Niraj Kumar was pelting bricks from the roof, which hit at the head of Satyendra Kumar. At that time, Dayanand Yadav was also assaulted.

Learned counsel for the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, submits that, the injuries, as found on the person of the informant and others, are simple in nature except the injury of Satyendra Kumar, which is said to be grievous in nature and caused by Niraj Kumar. In fact, the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, is Pattidar of the informant, due to that reason, the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, has falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Manoj Kumar alias Motu Yadav, in the event of his arrest or surrender by him



within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, in connection with G.R. No.1837 of 2020, arising out of Lakhisarai P.S. Case No.637 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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