

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31924 of 2020

Arising Out of PS Case No.-82 Year-2020 Thana- SUPAUL District- Supaul

1. Rajendra Yadav @ Rajendra Prasad Yadav, aged about 55 years, Male.
2. Surya Narayan Yadav, aged about 62 years, Male.
3. Arbind Kumar Yadav, aged about 40 years, Male.
All are Sons of Late Raj Kumar Yadav.
4. Jai Kishore Kumar @ Jai Kishore Yadav, aged about 26 years, Male.
5. Sushil Kumar, aged about 22 years, Male, Both are Sons of Rajendra Yadav @ Rajendra Prasad Yadav.
6. Sanichari Devi, aged about 50 years, Female, Wife of Rajendra Yadav @ Rajendra Prasad Yadav.
7. Sudhir Kumar Yadav @ Sudhir Yadav, aged about 30 years, Male, Son of Surya Narayan Yadav.
All are resident of Village- Surtipatti, PS and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-03-2021

The matter has been heard *via* video conferencing

2. Heard Mr. Arun, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State who has appeared as Ms. Nirmala Kumari, learned APP, who has been assigned the brief neither joined the proceeding nor did she pick up the phone of the Technical Assistance.



3. Learned counsel for the petitioners submitted that petitioners no. 1, 2, 4 and 5 namely, Rajendra Yadav @ Rajendra Pd. Yadav; Surya Narayan Yadav; Jai Kishore Kumar @ Jai Kishore Yadav and Sushil Kumar have been arrested and thus, he may be permitted to withdraw the application on their behalf.

4. In view thereof, as prayed for by learned counsel, the application on behalf of petitioners no. 1, 2, 4 and 5 namely, Rajendra Yadav @ Rajendra Pd. Yadav; Surya Narayan Yadav; Jai Kishore Kumar @ Jai Kishore Yadav and Sushil Kumar stands withdrawn and is now restricted to petitioners no. 3, 6 and 7 namely, Arbind Kumar Yadav; Sanichari Devi and Sudhir Kumar Yadav @ Sudhir Yadav, respectively.

5. The petitioners no. 3, 6 and 7 apprehend arrest in connection with Supaul PS Case No. 82 of 2020 dated 06.02.2020, instituted under Sections 144, 149, 341, 323, 448, 427, 504, 509, 308, 354B, 379 and 509 of the Indian Penal Code.

6. The allegation against the petitioners no. 3 and 7 is general and omnibus of assault by fists and slaps whereas against petitioner no. 6 is of snatching the gold earring of the wife of the informant.

7. Learned counsel for the petitioners submitted that there is also a counter case for the same incident. It was submitted



that though the incident is alleged to have been taken place on 01.02.2020 but the FIR was registered on 06.02.2020, after more than five days, for which there is no explanation. Learned counsel submitted that the petitioners no. 3, 6 and 7 have no criminal antecedent.

8. Learned APP submitted that there is allegation of assault and snatching of gold ornaments against the petitioners. However, he did not controvert that the same are general and omnibus.

9. 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 petitioners no. 3, 6 and 7 namely Arbind Kumar Yadav; Sanichari Devi and Sudhir Kumar Yadav @ Sudhir Yadav, respectively, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Supaul PS Case No. 82 of 2020, 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 petitioners no. 3, 6 and 7, (ii) that the petitioners no. 3, 6 and 7 and the bailors shall execute bond



with regard to good behaviour of the petitioners no. 3, 6, and 7 and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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