

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31733 of 2020

Arising Out of PS Case No.-159 Year-2020 Thana- SHAHPUR District- Bhojpur

1. Manajar Yadav, Male, aged about 40 years, Son of Vishwa Nath Yadav.
2. Manoj Yadav, Male, aged about 40 years, Son of Hridya Yadav @ Hridya Nand Yadav, Both resident of Village - Damodarpur, Police Station - Shahpur, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

The matter has been heard via video conferencing.

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

3. The petitioners apprehend arrest in connection with Shahpur PS Case No. 159 of 2020 dated 25.05.2020, instituted under Sections 147, 148, 149, 307, 427, 504 and 506 of the Indian Penal Code.

4. The allegation against the petitioners along with 19 other co-accused is of assault and there is specific overt act



alleged against other co-accused but against the petitioners, it is only general and omnibus. It was submitted that the accused in the present case have filed Shahpur (Bahoranpur Out Post) PS Case No. 158 of 2020, for the same incident on the same day which is prior to the present case in which there is injury on the accused side of the present case. Learned counsel submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that person has got serious life threatening injury in the incident. However, it was not controverted that against the petitioners no specific overt act is alleged which is against other named co-accused.

6. 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 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, Bhojpur at Ara in Shahpur PS Case No. 159 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, (ii) that the petitioners and the bailors shall execute



bond with regard to good behaviour of the petitioners, and (iii) that the petitioners 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 their bail bonds. The petitioners 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 their bail bonds.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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