

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36642 of 2020

Arising Out of PS Case No.-25 Year-2020 Thana- VIJAIPUR District- Gopalganj

1. Anand Yadav, Male, aged about 25 years, Son of Birendra Yadav, Resident of village- Vijaipur, PS- Vijaipur, District- Gopalganj.
2. Hare Ram Yadav, Male, aged about 30 years, Son of Suresh Yadav, Resident of village- Kawe, PS- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Amit Kumar, APP
For the Informant	:	Mr. Sumit Shekhar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vyas Kumar Mishra, learned counsel for the petitioners; Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Sumit Shekhar Pandey, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Vijaipur PS Case No. 25 of 2020 dated 06.02.2020, instituted under Sections 341, 323, 324, 307, 385, 504 and 506/34 of the Indian Penal Code.

4. The allegation against the petitioners and others is of demanding extortion money for digging their land and also of



having attacked them being variously armed and specifically against the petitioners is that they had assaulted Vishal Yadav, who was the son of the informant with *bhala* and *farsa*.

5. Learned counsel for the petitioners submitted that the parties are agnates and, thus, the allegation of demanding extortion is absolutely false and unbelievable. It was submitted that there was land dispute and even if the version in the FIR is accepted, the injury report of Vishal discloses only abrasion on scalp, bruise on left side of back and abrasion on left knee, which is said to have been caused by hard blunt substance and were simple in nature, which can be seen from the copy of the injury report which has been brought on record. It was submitted that the mother of petitioner no. 1 has filed Vijaipur PS Case No. 25 of 2020, for the same incident and there have been injuries on the side of the petitioners also. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the allegation against the petitioners is of assault on the head on the son of the informant by *bhala* and *farsa*. However, in view of copy of the injury report having been brought on record of the son of the informant, it was not controverted that the injury was abrasion on scalp and bruise



on left side of back and knee, being simple in nature caused by hard blunt substance.

7. Learned counsel for the informant submitted that there was attack on the head by the petitioners by dangerous weapon and further that the petitioners have been threatening the informant and his family members with dire consequences. However, he also could not controvert that the doctor has found only abrasion on the scalp, back and knee and the same is said to have been caused by hard blunt substance and simple in nature.

8. 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 Judicial Magistrate, 1st Class, Gopalganj in Vijaipur PS Case No. 25 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 and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the



police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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