

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.242 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- GOBARDHANA District- West
Champaran

-
1. Gena Lal Yadav S/O Resident Of Village Baluahawa, P.S. Gobardhana, District West Champaran
 2. Shambhu Yadav @ Shambhu Kumar Yadav S/O Resident Of Village Baluahawa, P.S. Gobardhana, District West Champaran
 3. Om Prakash Yadav S/O Suraj Yadav Resident Of Village Baluahawa, P.S. Gobardhana, District West Champaran
 4. Shyam Lal Yadav S/O Kishan Yadav Resident Of Village Baluahawa, P.S. Gobardhana, District West Champaran
 5. Shiv Lal Yadav S/O Manager Yadav Ail Resident Of Village Baluahawa, P.S. Gobardhana, District West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Dwivedi, Advocate
For the State	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr.Pramendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 26-03-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Chandra Bhushan Prasad, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Gobardhana P.S. Case No. 22 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the First Information Report lodged by Sukhadi Yadav in the present case it would appear that the petitioners' side is said to have assaulted



the prosecution party by farsa, barchhi, sword and lathi. Some of the members of the prosecution party have received simple injuries, however, one Manoj Yadav who had come to rescue them suffered an assault on his head as a result whereof he died.

It is submitted that at the same time from the First Information Report lodged by the present petitioners' side it would appear that the Sukhadi Yadav and his members who are named in the FIR had assaulted the petitioners' side. The occurrence had taken place on a dispute which arose on plucking of mangoes in the Orchard. From the petitioners' side grievous injury has been caused to Sambhu Yadav and Shivlal Yadav. Some members of the petitioners' side have also suffered injuries. It is, therefore, submitted that there is a case and counter case between the parties, the death of Manoj Yadav has taken place because of single blow received by him in course of the alleged occurrence which was totally unintentional and in the FIR no specific allegation has been made against any of the petitioners.

Learned counsel for the informant has, however, opposed the prayer for bail of the petitioners. It is submitted that in course of investigation it has come that petitioner no. 1 had given blow on the head of Manoj Yadav who later on succumbed to his injury. So far as petitioner nos. 2 to 5 are concerned, they are said to have participated in the alleged occurrence, however, it is not denied that there is a counter case and the petitioners' side have also suffered grievous



injuries.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, there being a case and counter case between the parties, occurrence is said to have taken place on plucking of mangoes in the orchard, so far as petitioner nos. 2 to 5 are concerned, the allegations against them are general and omnibus, they have otherwise no criminal antecedent, let the petitioner nos. 2 to 5 above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st A.C.J.M., Bagaha, West Champaran in connection with Gobardhana P.S. Case No. 22 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the



criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 1 is concerned, since this Court has been informed that his name has transpired in the statement of the independent witness that it is his blow which has proved fatal, this Court is not inclined to grant privilege of regular bail to petitioner no. 1 at this stage.

The prayer for regular bail of petitioner no. 1 is, thus, refused.

Let the trial be expedited.

The trial court is directed to proceed with the trial as expeditiously as possible.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

