

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40899 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- BASOPATTI District- Madhubani

1. DEV NARAYAN YADAV @ DEVANT YADAV S/o Late Chanchal Yadav Resident of Vill.- Patauna, P.S.- Basopatti, Distt.- Madhubani.
2. Guru Sharan Yadav S/o Dev Narayan Yadav @ Devant Yadav Resident of Vill.- Patauna, P.S.- Basopatti, Distt.- Madhubani.
3. Santosh Yadav S/o Dev Narayan Yadav @ Devant Yadav Resident of Vill.- Patauna, P.S.- Basopatti, Distt.- Madhubani.
4. Dheeraj Kumar Yadav @ Dheeraj Yadav S/o Dev Narayan Yadav @ Devant Yadav Resident of Vill.- Patauna, P.S.- Basopatti, Distt.- Madhubani.
5. Sudhir Yadav @ Chhottan Yadav @ Chhotan Yadav S/o Dev Narayan Yadav @ Devant Yadav Resident of Vill.- Patauna, P.S.- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Basopatti P.S. Case no. 122 of 2020 registered under sections 307, 323, 324, 341, 354B, 379, 447, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, the accused persons variously armed with lathi, farsa, spear etc, came and assaulted the informant and others causing him serious injuries.



It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and incorrect. The correct version has been stated in the FIR of counter case which has been brought on record as Annexure 2 to the petition. It is further submitted that from perusal of the injury reports, it would transpire that almost all injuries have been found to be simple in nature. The petitioners have no criminal antecedent and are in custody since 15.6.2020. Charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, from the injury report it transpires that petitioner no. 3 Santosh Yadav is stated to have struck the brother of the informant namely Arun Yadav and the corresponding injury in the opinion of the doctor is grievous in nature. The Court is thus not inclined to enlarge the petitioner no. 3 on bail and the same is rejected.

So far as the petitioner nos. 1, 2, 4 and 5 are concerned, the Court is inclined to enlarge them on bail. The petitioner nos. 1, 2, 4 and 5 are directed to be enlarged on bail in



connection with Basopatti P.S. Case no. 122 of 2020 on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani.

In the facts and circumstances of the case including there being case and counter case between the parties for the same occurrence, liberty is granted to the petitioner no. 3 to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

Prakash/-

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