

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.81 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- KHIJARSARAI District- Gaya

1. Indradeo Yadav Son of Late Sita Yadav Resident of Village - Bakthar, P.s.-
Khizarsarai, Distt.- Gaya.
2. Raja Ram Yadav Son of Late Sita Yadav Resident of Village - Bakthar, P.s.-
Khizarsarai, Distt.- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur,Advocate

Mr.Syed Asgher Najmi,Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-07-2021 Learned counsel for the petitioners undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms.
Sangeeta Sharma, learned APP for the State.

The petitioners in the present case are seeking regular
bail in connection with Khizarsarai P.S. Case No. 97 of 2020
registered for the offences punishable under Sections 341, 323,
379, 308, 427, 504/34, 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
parties had indulged in a scuffle over a land dispute. It is alleged
that the father-in-law of the informant was assaulted by co-
accused Sanjay Yadav on his head and other accused persons



assaulted the father-in-law of the informant by lathi/danda.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that both the parties are gotiyas and they indulged in quarrel over a land dispute. It is then submitted that there are general and omnibus kind of allegations against these petitioners. The petitioners have remained in jail since 29.04.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there is a case and counter case between the parties, both are gotiyas and have fought over a land dispute, in the present FIR there is no specific allegation as to who assaulted the deceased on his vital part of the body, however, in one of the paragraphs no. '20' of the case diary the son-in-law of the deceased has made a statement that co-accused Sanjay Yadav had given a blow on the head of the deceased, however, in his another statement he has made general and omnibus allegations, learned APP for the State having gone through the case diary agrees that the allegations are general and omnibus



and save and except that one paragraph of the son-in-law of the deceased in which allegation has been made against co-accused Sanjay Yadav there is no specific allegation against these petitioners, the allegations are general and omnibus, the petitioners have remained in custody in connection with this case since 29.04.2020, investigation against them is complete but the trial is not likely to take place in near future, they have otherwise no criminal antecedent, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Gaya in connection with Khizarsarai P.S. Case No. 97 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

