

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1349 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- MASAUDHI District- Patna

1. RAJESHWAR YADAV S/O VASUDEV YADAV RESIDENT OF VILLAGE TARPURA, PS MASAURHI, DISTRICT-PATNA.
2. PAWAN @ PAWAN KUMAR S/O RAJESHWAR YADAV RESIDENT OF VILLAGE TARPURA, PS MASAURHI, DISTRICT-PATNA.
3. PREMAN YADAV S/O DILKESHWAR YADAV RESIDENT OF VILLAGE TARPURA, PS MASAURHI, DISTRICT-PATNA.
4. RAMASRE YADAV S/O LATE VASUDEV YADAV RESIDENT OF VILLAGE TARPURA, PS MASAURHI, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Dharendra Kr Sinha, Yashpal Yadav, Advocates
For the Opposite Party/s : Mr Rajiv Nayan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 25-06-2021 This case has been taken up today for consideration through Video Conferencing.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Masaurhi Police Station (for brevity, *PS*) Case No 303 of 2020 instituted for the offence punishable under Sections 341, 323, 307, 354, 379, 504/34 of Indian Penal Code.

As per First Information Report (for brevity, *FIR*), the informant had brought some sand and while the same was being



unloaded, objection has been raised by the petitioners and in the altercation, they have assaulted the informant's husband and husband's younger brother. Further allegation is that petitioner No 3 has snatched *Mangal Sutra* of the informant in the process.

It is submitted by the petitioners' counsel that informant and accused are agnates. There is a dispute in respect of the land on which sand was being unloaded. The altercation has led to a counter case also being lodged by petitioner No 1's wife being Masaurhi PS Case No 307 of 2020. Petitioner No 3 has no criminal antecedent. Petitioner No 1 Rajeshwar Yadav, petitioner No 2 Pawan @ Pawan Kumar and petitioner No 4 Ramasre Yadav are accused in one another case in which they are on bail, as per averments made in paragraph 3 of the petition.

In spite of the case diary having been called for, no injury report has been received.

Learned counsel for the petitioners points out, from the order sheet of the lower Court, that in spite of best efforts, no injury report has been produced even in the Court below. The petitioners are now in custody for a substantial time, i e, since May, 2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Masaurhi, Patna in Masaurhi PS Case No 303 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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