

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2466 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- KHIJARSARAI District- Gaya

1. SANJAY YADAV Son of Late Kirshna Yadav Resident of Village - Lodipur Tola Baijnathpur, P.S.- Khizersarai, Distt.- Gaya.
2. SHARVAN YADAV @ SHARVAN KUMAR SON OF LATE KRISHNA YADAV Resident of Village - Lodipur Tola Baijnathpur, P.S.- Khizersarai, Distt.- Gaya.

... .. Petitioners.

Versus

THE STATE OF BIHAR.

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Krishna Prasad Singh, Sr. Advocate. Mr. Rakesh Singh, Advocate.
For the Informant	:	Mr. Sunil Kumar Yadav, Advocate.
For the State	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-05-2021 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State through virtual Court proceedings.

The petitioners seek bail in a case registered for the offence punishable under Sections 307, 379, 341, 342, 326, 325 & 34 of the Indian Penal Code.

While the informant was going to his home all the named accused persons including the petitioners are said to have attacked on him and petitioner Sanjay Yadav assaulted him on his head by means of gandasa. When one Azad Singh rushed in his rescue they also brutally assaulted him.

It is submitted by learned counsel for the



petitioners that no such occurrence as alleged ever took place. They are quite innocent and have been falsely implicated in this case due to land dispute. Both the parties are closed agnates. No incriminating article has been recovered from their conscious physical possession. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. For the same occurrence petitioner no.2 has also lodged Khizersarai P.S. Cae No.240 of 2020. As a matter of fact, the petitioners' side were building house on the ancestral land which was opposed by the prosecution party which resulted in altercation and free fight. It is also submitted that the charge sheet has been submitted against the petitioners. The petitioners have no criminal antecedent and have been languishing in custody since 13.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection



with Khizersarai P.S. Case No.239 of 2020, subject to the following conditions :

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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