

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11442 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- TEKARI District- Gaya

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1. SHYAM SUNDER SINGH SON OF LATE TULSI YADAV R/o village- Kehora, P.S.- Tekari, Panchanpur O.P., District- Gaya (Bihar)
 2. KAUSHAL KUMAR NIRALA S/O SHYAM SUNDER YADAV @ SHYAM SUNDER SINGH R/o village- Kehora, P.S.- Tekari, Panchanpur O.P., District- Gaya (Bihar)
 3. MAHENDRA SINGH @ MAHENDRA KUMAR SINGH S/O LATE SITARAM YADAV R/o village- Kehora, P.S.- Tekari, Panchanpur O.P., District- Gaya (Bihar)
 4. PANKAJ KUMAR S/O MAHENDRA YADAV R/o village- Kehora, P.S.- Tekari, Panchanpur O.P., District- Gaya (Bihar)
 5. NEERAJ KUMAR S/O MAHENDRA YADAV R/o village- Kehora, P.S.- Tekari, Panchanpur O.P., District- Gaya (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-09-2021 This matter is being heard out of turn as it was submitted on 10.09.2021 that petitioner no.2 has been selected for appointment as *Panchayat* teacher and he has to give his joining in the school. Since this case was filed on 19.10.2020 therefore it is taken up today.

Heard Mr. Kunal Tiwary, the learned Advocate for the petitioners and Mr. Ram Priya Sharan Singh, the learned APP for the State.

The petitioners seek bail in anticipation of their



arrest in connection with Tekari P. S. Case No.274 of 2020, instituted for the offences under Sections 341, 323, 307, 354, 379, 504/ 34 of the Indian Penal Code.

It has been alleged in the F.I.R. that on 16.06.2020, an occurrence took place in which the petitioners are said to have participated. In the course of assault perpetrated by the accused persons, two persons namely the informant and one Murari Yadav are said to have been injured. Both of them have received grievous injury.

The learned Advocate for the petitioners has submitted that though they have been named in the F.I.R. but there is no specific accusation attributed against them with respect to any overt act played by them. It has further been submitted that on account of the assault perpetrated by the side of the prosecution, two persons from the side of the accused persons have received injuries, which have been reported to be grievous. With respect to the aforesaid occurrence, the petitioner no.2 has also filed a case against informant and others vide Tekari Panchanpur P. S. Case No.272 of 2020 for the offence under Sections 341, 323,



324, 307, 379, 325, 504/ 34 of the I.P.C.

The learned Advocate for the petitioners has submitted that because of the dispute over a land which is said to have been purchased by petitioner no.2 from one Pushpa Devi, this occurrence has taken place.

Apart from this, it has been submitted that non-mentioning of the circumstance in which the persons from the side of the petitioners have received injuries makes the prosecution case of the subject F.I.R. is highly suspect.

Apart from this, it has specifically been pointed out that the persons with overt act namely Raghvendra Yadav, Manoj Kumar, Shambhu Yadav and Lal Bahadur Yadav are not the petitioners before this Court.

Regard being had to the afore-noted facts and taking into account that the petitioners do not have criminal antecedents, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya in connection



with Tekari P. S. Case No.274 of 2020, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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