

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7930 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- NADI NAINAHA District- West
Champaran

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1. MUNSHI YADAV SON OF JAMADAR YADAV RESIDENT OF
VILLAGE- BAGAHA, P.S. - DHANAH, DISTRICT WEST
CHAMPARAN
 2. JANARDAN YADAV SON OF MUNSHI YADAV RESIDENT OF
VILLAGE- BAGAHA, P.S. - DHANAH, DISTRICT WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 26-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioners and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Nadi Police Station (for
brevity, *PS*) Case No 44 of 2020 instituted for the offence
punishable under Sections 147, 148, 341, 323, 324, 325, 307,
379, 427, 504, 506/34 of Indian Penal Code.

A dispute has arisen regarding grazing of the field of
the accused persons by the cattle of Devata Yadav. Petitioner



No 1 abused him. Thereafter, it is alleged that while the victim was sleeping in the field, all the accused persons have attacked him with various weapons.

Petitioners' counsel submits that the parties are agnates and from the prosecution case, it is apparent that the dispute has arisen in course of asserting rights to certain fields, between the parties. There is no specific allegation against the petitioners. Nature of injuries has been opined to be grievous as the same have been sustained in a free fight at the spur of the moment. The accused persons had no intention of killing the victim. Petitioners are accused in one more case. They have been roped in merely being family members of other co-accused persons. They are in custody since 03.09.2020. Co-accused Tufani Yadav has already been granted bail by this Court by order dated 11.08.2021 passed in Cr Misc No 13697 of 2021

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. 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 Judicial Magistrate, 01st Class, Bagaha in connection with Nadi PS Case No 44 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)

M.E.H./-

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