

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6562 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- KASMA District- Aurangabad

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1. CHAMARI YADAV SON OF BISUNDEO YADAV Resident of Village - Chitrasari, P.S.- Kasma, Distt.- Aurangabad.
 2. SINDHU YADAV SON OF LATE SURAJDEV YADAV Resident of Village - Chitrasari, P.S.- Kasma, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-04-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Kasma P.S. Case No. 39 of 2020, registered for the offence punishable under Sections 323, 324, 307, 504, 506, 379 and 34 of the Indian Penal Code.

As per the prosecution case, petitioner no. 1 is alleged to have assaulted Abhay Yadav by means of Gadasa on his head, hand and leg and petitioner no. 2 is alleged to have assaulted Dhananjay Yadav by means of Gadasa on his head, hand and leg.



It is submitted on behalf of the petitioners that due to previous enmity prevailing between the parties, the present incident took place. There is case and counter case. From perusal of injury report it appears that injuries caused by hard and blunt substance whereas in the FIR it is alleged that petitioners have assaulted by means of Gadasa which is sharp cutting weapon. Petitioners are in custody since 03.10.2020 and bear clean antecedent. Chargesheet has already been submitted.

Considering the facts and circumstances of the case and the fact that incident took place between the parties due to land dispute and petitioners bear clean antecedent, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Aurangabad in connection with Kasma P.S. Case No. 39 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be



cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

vinita/-

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