

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4533 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SUPAUL District- Supaul

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1. Jaikishore Yadav @ Jaykishore Kumar Yadav, S/O Rajendra Yadav, Resident of Village - Surti Patti, Ward No. -3, P.S. - Supaul, District - Supaul (Bihar).
 2. Sushil Kumar, S/o Rajendra Yadav, Resident of Village - Surti Patti, Ward No. -3, P.S. - Supaul, District - Supaul (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 The matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners seek bail in connection with Supaul P.S. Case No.82 of 2020 instituted for the offence punishable under Sections 141, 149, 341, 323, 448, 427, 504, 509, 354(B), 379, 380 and 308 of the Indian Penal Code.

On 06th February, 2020, the FIR has been lodged



alleging that on 01st February, 2020, the accused persons, including the instant petitioners, have assaulted the prosecution party by fists and slaps.

Learned counsel for the petitioners submits that the parties are agnates and there was a free fight which led to injuries on both sides. One co-accused Sanichari Devi (mother of the petitioners) has lodged Supaul P.S. Case No.292 of 2020 in respect of the same occurrence. Petitioners' mother and father Rajendra Yadav have sustained grievous injuries in the altercation, in support of which the petitioners have filed a supplementary affidavit, which has been transmitted through electronic mode. In fact, co-accused similarly situated as the petitioners have been allowed anticipatory bail in Cr.Misc. No.31924 of 2020, vide order dated 02.03.2021. Petitioners' prayer had become infructuous since by the time the anticipatory bail application was taken up for consideration before this Court, they had already been arrested, having no criminal antecedents. Under such circumstances, they are in custody since 13.10.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is



inclined to allow petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Supaul P.S. Case No.82 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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