

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6160 of 2021**

Arising Out of PS. Case No.-167 Year-2020 Thana- TELHARA District- Nalanda

1. ANIL YADAV Son of Mani Yadav Resident of Village - Kukurbar, P.S. - Telhara, Dist. - Nalanda.
2. Sunil Yadav Son of Mani Yadav Resident of Village - Kukurbar, P.S. - Telhara, Dist. - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Ms. Kumari Sujata Sinha, Advocate
For the Opposite Party/s :	Mr. Anant Kumar No. 1, APP
For the Informant :	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners in the present case are the gotias of the informant side. They are seeking regular bail in connection with Telhara P.S. Case No. 167 of 2020 registered for the offences punishable under Sections 341/323/324/325/307/379/354/504/34 of the Indian Penal Code.

As per the prosecution story, these petitioners

alongwith the co-accused had assaulted the informant side. Petitioner No. 1 assaulted the informant Avinash Kumar whereas the petitioner no. 2 assaulted Vikash Yadav who is brother of the informant. Learned counsel submits that there is a counter version of this case giving rise to Telhara P.S. Case No. 168 of 2020. Both the parties seem to have assaulted each other. The injuries caused to the informant side are said to be simple in nature.

So far as criminal antecedents are concerned, at the belated stage the petitioners have filed a supplementary affidavit stating therein that petitioner no. 1 has got one case whereas petitioner no. 2 has got three cases and learned counsel for the petitioners submits on query made by this Court that the petitioners are on bail in all the cases.

Learned counsel for the informant and learned A.P.P. for the State have though opposed the prayer for regular bail of the petitioners but it is not controverted that both the parties have filed case and counter case. There are simple injuries to the informant and his brother and these petitioners are in custody since 14.10.2020.

Considering the facts and circumstances of the case as discussed hereinabove, this Court directs release of the

petitioners on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Telhara P.S. Case No. 167 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order

shall not be delayed for purpose of or in the name of
verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.