

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7083 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- GOGRI District- Khagaria

1. CHHATISH YADAV @ SATISH YADAV, Son of Garib Yadav, Resident of Village Chhoti Malia Police Station - Gogri, District - Khagaria.
2. ARUN YADAV, Son of Garib Yadav, Resident of Village Chhoti Malia Police Station - Gogri, District - Khagaria.
3. PULKIT YADAV, Son of Garib Yadav, Resident of Village Chhoti Malia Police Station - Gogri, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar Singh, Adv.
		Mr. Bharat Bhushan, Adv.
For the Opposite Party/s :		Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2021 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 and Mr. Dinesh Singh, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Gogri (Paura) P.S. Case No.222 of 2020 registered for the offences punishable under Sections 147, 148, 149, 523, 324, 307, 504 and 506 of the Indian Penal Code. Petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that the



alleged quarrel leading to the assault took place when the she-Buffalo of the informant was grazing the maize crops of the petitioners. It is submitted that the informant himself says in the FIR this fact that his she-buffalo had gone into the field of the petitioner no.1 while grazing and thereupon the parties entered into a scuffle.

It is further submitted that there is a case and counter case between the parties. The counter case is based on the fardbeyan of the son of the petitioner no.1 which was recorded on 17.06.2020 itself i.e. prior in time as the present FIR has been lodged on the basis of the fardbeyan of Lalu Yadav recorded on 18.06.2020. It is further submitted that the allegation of firing is against co-accused Rohit Yadav, so far as this petitioner is concerned, he is said to be the order-giver, however, the fact remains that the petitioner no.1 has himself suffered a fire-arm injury on his thigh which will be evident from the FIR (Annexure-3) and the injury report of petitioner no.1.

Learned counsel further submits that since both the parties are co-villagers, now good sense has prevailed between the two groups and they have entered into a compromise, a certified copy of the compromise petition filed in the learned



court below has been placed before this Court. Let it be kept on the record.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioners, considering the totality of the circumstances, the case and counter case and there being no specific allegation against the petitioners of causing assault, further the petitioners have otherwise got no criminal antecedent and now the parties have decided to live peacefully by entering into a compromise, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Gogri (Poura) P.S. Case No.222 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(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'.

