

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9120 of 2021

Arising Out of PS. Case No.-549 Year-2019 Thana- NARPATGANJ District- Araria

JANARDAN YADAV Son of Late Bechan Yadav Resident of Village -
Babuan, P.S.- Ghurna, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s :	Mr. Ram Sevak Choudhary, APP
For the Informant :	Mr. Awadhesh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner, learned counsel for the informant and learned APP for the State.

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

Petitioner seeks bail in Narpatganj PS Case No. 549 of 2019, registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354B, 379 and 504 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has also been added.



While the informant was ploughing his land, 12 persons assaulted indiscriminately by means of *lathi*, *Farsa* and deadly weapons.

Learned counsel for the petitioner submits that informant has stated that the petitioner along with others assaulted his younger brother, Jagdish Yadav, indiscriminately and subsequently, he succumbed to injury during course of treatment. Learned counsel has drawn attention of the Court towards FIR stating that though specific allegation has been levelled against petitioner along with Arjun Yadav, Ram Kishun Yadav, Babuchand Yadav, Janardan Yadav that they have allegedly assaulted the younger brother of the informant but only one injury has been found on his head. It is submitted that the occurrence has taken place due to land dispute and therefore, several persons who were interested in the dispute have been made accused even though no specific allegation of assault has been attributed against this petitioner. He has no criminal antecedent and he is in custody since 17.10.2020. Similarly situated co-accused, namely, Yoganand Yadav, has been allowed bail by a coordinate Bench of this Court in Cr. Misc. No. 31675 of 2020

Learned counsel for the informant and learned APP



have opposed the prayer for bail. It is submitted that petitioner has specifically been alleged by the informant that he has assaulted the deceased.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in Narpatganj PS Case No. 549 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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