

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1126 of 2020

Arising Out of PS. Case No.-423 Year-2019 Thana- BARACHATTI District- Gaya

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1. SUDAMA YADAV, Son of Kesho Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt- Gaya.
 2. Dilip Yadav, Son of Kesho Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt- Gaya.
 3. Dalpati Yadav @ Dharmendra Yadav, Son of Kesho Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt- Gaya.
 4. Keshar Yadav, Son of Ramavatar Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt- Gaya.
 5. Kesho Yadav, Son of Late Mohan Yadav Resident of Village- Durjan Khap, P.S.- Mohanpur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 04-10-2021 Heard Mr. Dharendra Kumar Sinha, learned advocate for the petitioners and Mr. Dinesh Singh, learned APP for the State.

The petitioners seek bail in anticipation of their



arrest in connection with Barachati (Mohanpur) P. S. Case No. 423 of 2019, dated 13.09.2019, instituted for the offences under Sections 341, 323, 447, 354, 307, 504, 506 and 34 of the Indian Penal Code.

The accusation in the F.I.R. is of the petitioners assaulting the members of the prosecution party, leading to injuries on four persons including the informant.

The learned advocate for the petitioners has drawn the attention of this Court to the fact that petitioner no. 1 had earlier filed a case against the informant and others *vide* Barachati P. S. Case No. 382 of 2019, instituted for offences under Sections 307, 379, 324 and 504 of the Indian Penal Code. In the aforesaid case, the sons of the informant have been made accused.

In the counter version of the occurrence, referred to above, the father of petitioner no. 1 has been seriously injured.

The victims of the subject F.I.R. have received



only simple injuries.

It has been submitted that the accusation is absolutely false. The dispute between the parties lay somewhere else but taking advantage of a minor clash between them, the subject F.I.R. has been lodged.

It has further been submitted that there is no reference about the injuries on the accused persons in the subject F.I.R., making the present accusation to be highly doubtful.

Considering the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghati, Gaya in connection with Barachati (Mohanpur) P. S. Case No. 423 of 2019, subject to the



conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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