

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4612 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Ghanshyam Yadav Son Of Late Raghunath Yadav The Resident Of Village -
Golahu, P.S. - Madhusudanpur (nathnagar), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6634 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Sintu Yadav @ Setu Yadav Son Of Ramdeo Yadav R/O Village- Golahu, P.S.-
Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7203 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Chandan Yadav Son Of Rambilash Yadav Resident Of Village- Golahu, P.S.-
Nathnagar (madhusudanpur), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4612 of 2022)

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Ms. Meena Singh

(In CRIMINAL MISCELLANEOUS No. 6634 of 2022)

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 7203 of 2022)

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Ram Naresh Ray



CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-12-2022 Heard Ld. counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with
Nathnagar (Madhusudanpur) P. S. Case No. 379 of 2021,
registered for the offences punishable under Sections 147,
149, 323, 341, 307 and 504 of the Indian Penal Code and
Section 27 of Arms Act.

The prosecution story as emerges form the FIR is
that the petitioners along with their associates assaulted the
informant and his family members, when they prevented
them from mining sand from the land of one Bhavisya
Yadav. Allegation of opening fire by one Rudal Yadav at the
son of the brother-in-law of the informant is also there.

Ld. counsel for the petitioners submit that the
petitioners are innocent and have falsely been implicated in
this case. They further submit that the main accused persons
as per the FIR have already been enlarged on Bail vide order
dated 20.07.2022 and 13.07.2022 passed in Cr. Misc. No.
15463 of 2022 and Cr. Misc. No. 4132 of 2022. They also



submit that there is simple allegation of assault and there is no indication of any injury other than fire arm.

The petitioners, namely, Ghanshyam Yadav, Sintu Yadav @ Setu Yadav and Chandan Yadav have been languishing in jail since 08.03.2021, 24.08.2021 and 16.09.2021, respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner, namely, Ghanshyam Yadav has no criminal antecedents; petitioner, namely, Chandan Yadav has one criminal antecedents; and petitioner, namely, Sintu Yadav @ Setu Yadav has two criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, particularly seeing the period of custody, the petitioners,, above-named, are directed to be released on bail 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 Ld. Additional District and Sessions Judge-VIII, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P. S. Case No. 379 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the



petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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