

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10505 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- SALAKHUA District- Saharsa

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1. Shambhu Yadav Son of Late Brahmdeo Yadav Resident of Village-Hathmandal, P.S.- Salkhua, Distt- Saharsa.
 2. Grish Yadav @ Girish Yadav Son of Ram Vilash Yadav Resident of Village-Hathmandal, P.S.- Salkhua, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Salkhua
(Banma Itahari O.P.) P.S. Case No. 97 of 2021 registered for the
offence under Sections 147, 148, 149, 323, 324, 325, 307, 379,
504 and 506 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
petitioner no.1 is in custody since 22.12.2021 and petitioner
no.2 is in custody since 06.12.2021.

The allegation against the petitioners is to collectively
assault the informant and his family members with deadly



weapons causing bodily injury.

Learned counsel appearing on behalf of the petitioners submitted that the present occurrence is found over the land dispute between the parties, having case and counter case and the occurrence was in the nature of free fight where both the parties received injuries. It has further been submitted that the manner of assault is evident of the fact, from where it can be gathered that the petitioners were not under intention to kill the injured. It has also been submitted that the nature of injury alleged to be received in the occurrence is simple in nature. It has further been submitted that both the petitioners are man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that there is case and counter case between the parties found over land dispute.

Considering the facts and circumstances as mentioned above, as there is case and counter case between the parties as regard to same set of occurrence where both the parties received injuries negating the allegation as regard to the intention to kill, let the petitioners, above named, are directed to be released on bail in connection with Salkhua (Banma Itahari O.P.) P.S.



Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saharsa, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioners like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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