

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11368 of 2022**

Arising Out of PS. Case No.-293 Year-2021 Thana- ATRI District- Gaya

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1. Umesh Yadav Son of Jethan Yadav R/O Village- Malahi, P.S.- Atri, District- Gaya
 2. Manu Yadav @ Manu Kumar Son Of Kedar Yadav R/O Village- Malahi, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-07-2022 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 petitioner seeks bail in connection with Atri P.S.
Case No. 293 of 2021 registered for the offence under Sections
147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal
Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 18.10.2021.

The allegation against the petitioners is to assault the
informant and others, equipped with deadly weapons, with
intention to cause death alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners



submitted that the present occurrence is founded over land dispute, where the parties are agnets. It is submitted that the nature of allegation is very much general and omnibus. It is further submitted that the nature of injury is not a consideration while taking note of Section 307 of the Indian Penal Code rather intention is a material consideration. It is submitted that the allegation of assault with the butt of rifle, sufficient to gather, *prima facie*, that petitioners were not under intention to cause death. It is pointed out that petitioner no.1 is involved in two other criminal cases, in which he is on bail and petitioner no. 2 is a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that the allegation is to assault with the butt of rifle.

Considering the facts and circumstances as mentioned above, as the manner of assault caused by the petitioners negate the intention coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Atri P.S. Case No. 293



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-XIII, Gaya/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present 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 of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Sangita Devi, who is the wife of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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