

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21086 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- BIND District- Nalanda

1. SUNIL YADAV SON OF SARYUG YADAV Resident of Village - Khanpur, P.s.- Bind, Dist.- Nalanda.
2. Pappu Yadav Son of Saryug Yadav Resident of Village - Khanpur, P.s.- Bind, Dist.- Nalanda.
3. Viveka Yadav Son of Saryug Yadav Resident of Village - Khanpur, P.s.- Bind, Dist.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-01-2022 Heard Mr. Raj Kishor Prasad, learned Advocate
for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bind P.S. Case No. 90 of 2020 dated 08.10.2020 instituted for the offences under Sections 341, 323, 307, 435, 504, 427 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners along with others have been made accused in this case with the accusation of inflicting cruelty to the livestock belonging to the informant and also of opening fire indiscriminately. The further accusation is of taking away foodgrains and husk kept in the house of the informant.



The accusation, it has been urged, is absolutely general and omnibus. Some of the female members of the house, who too have been made accused in this case, have been granted bail by the court below.

Though there is an accusation of firing from their respective weapons by the accused persons, but there is no injury, much less any gun shot injury on anyone of the members of the prosecution party. There is a counter version of the occurrence also lodged by the mother of the petitioner *vide* Bind P.S. Case No. 96 of 2020. There is a two days' delay in lodging of the FIR.

Learned counsel for the petitioner has submitted that because of some dispute over a plot of land, such a false accusation has been made against the entire family members of the petitioners. Nothing incriminating has been recovered from the place of occurrence so as to lend credence to the accusation that firing was resorted to by the accused persons.

The petitioners were earlier made accused in a case *vide* Bind P.S. Case No. 19 of 2019 and in the aforesaid case, they are on bail.

Regard being had to the facts aforesaid, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Bind P.S. Case No. 90 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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