

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12182 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

1. Surender Yadav Sonof Lt. Sahdev Yadav Resident of Village - Bagaicha, P.s.- Sohan (Bhabua), Distt.- Kaimur at Bhabua.
2. Jai Kumar Yadav Son of Rajendra Yadav Resident of Village - Bagaicha, P.s.- Sohan (Bhabua), Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2022 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 petitioners seek bail in connection with Bhabhua
(Sonhan) P.S. Case No. 91 of 2021 registered for the offence
under Sections 147, 148, 149, 341, 323, 326, 379, 354 and 504
of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 16.01.2022.

The allegation against the petitioners is to assault the
informant and his father and also to pour acid on one, namely,



Bhim Kumar. The allegation against the petitioners is also to enter into the house of the informant and stole golden chain and ornaments alongwith Rs.4,500/- in cash.

Learned counsel appearing on behalf of the petitioners submitted that the case is founded over land dispute between the parties and there is case and counter case for the same set of occurrence, which, in fact, was a free fight, where both the parties sustained injuries. While concluding the argument, it has been submitted that, it appears highly improbable to cause injury inside the eye without causing damage to the surrounding areas of the face in the case of alleged acid attack and, moreover, nature of injury is simple.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that there is land dispute between the parties.

Considering the facts and circumstances as mentioned above, as the nature of allegation is very much general and omnibus coupled with the fact that nature of injury is simple, let the petitioners, above named, are directed to be released on bail in connection with Bhabhua (Sonhan) P.S. Case No. 91 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 Chief Judicial Magistrate, Kaimur at Bhabhua, 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 Omhari Singh, who is the grandson of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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