

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26812 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- HISUWA District- Nawada

1. RAJESH YADAV S/O SANJAY YADAV R/O VILLAGE-BHELUBIGHA TOLA NAKTA BIGHA, P.S-HASUA, DISTRICT-NAWADA.
2. SANJAY YADAV S/O DASRATH YADAV R/O VILLAGE-BHELUBIGHA TOLA NAKTA BIGHA, P.S-HASUA, DISTRICT-NAWADA.
3. SUNIL YADAV S/O DASRATH YADAV R/O VILLAGE-BHELUBIGHA TOLA NAKTA BIGHA, P.S-HASUA, DISTRICT-NAWADA.
4. BIKKI YADAV S/O ISHWARI YADAV R/O VILLAGE-BANDACHAK, P.S-NARHAT, DISTRICT-NAWADA.
5. BABLOO YADAV S/O ISHWARI YADAV R/O VILLAGE-BANDACHAK, P.S-NARHAT, DISTRICT-NAWADA.
6. MUKESH YADAV S/O ISHWARI YADAV R/O VILLAGE-BANDACHAK, P.S-NARHAT, DISTRICT-NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Md. Arif

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 03-01-2022 The applicant/accused in Crime No. 414 of 2020 registered with Hisua Police Station for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 338, 354, 379, 307, 504, 506 of the IPC as well as under Sections 25(1-b)a, 26, 35, 27 of the Arms Act at the instance of first informant, Poonam Kumari, by this application is seeking release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the

applicants. He argued that investigation is over. There is no allegations regarding murderous assault on Naresh Yadav by the present applicants. One of his assailants, namely, Mantu Yadav, he is already released on bail as per the order dated 26.11.2021 passed in Cr. Misc. No.26226 of 2021 by the Coordinate Bench of this Court. Therefore, the applicants are entitled for bail.

The learned Prosecutor opposed the applicant by contending that there are allegations against all the applicants.

I have considered the submissions so advanced and also perused the materials placed before me including the FIR and injury certificates.

The FIR of the crime in question is lodged by injured, Poonam Kumari. It is alleged by the prosecution that applicants and other co-accused, arms with deadly weapons had trace passed the house of injured Naresh Yadav. They assaulted his wife, Lali Devi, mother Eithwarya Devi, daughter Poonam Kumar and subsequently when Naresh Yadav came back to the house, accused Manish Yadav and Mantu Yadav assaulted him by means of swords.

Mantu Yadav against whom allegations of assault by sword on Naresh yadav are there is directed to be released on bail by the Coordinate Bench of this Court vide order dated

26.11.2021. So far as present applicants are concerned, allegation against them are in respect of formation an unlawful assembly and assaulting Lali Devi, Poonam Kumari and Eithwarya Devi. These persons have suffered simple injuries. Though, in the assault, there was fracture injury to the left parietal bone of Naresh Yadav, it is reported that after his medical treatment, he is discharged and in following normal pursuance.

In this view of the matter and as the co-accused with more severe allegations is already released on bail by the Coordinate Bench of this Court, on the principle of parity, the applicants are also entitled for bail. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused, in Crime No. 414 of 2020 registered with Hisua Police Station for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 338, 354, 379, 307, 504, 506 of the IPC as well as under Sections 25(1-b)a, 26, 35, 27 of the Arms Act, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial Court with the following conditions :-

(I) The applicants/accused should not extend any

threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be forfeited by the Court below.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

sanjeev/-

(A. M. Badar, J)

U		T	
---	--	---	--