

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26356 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

RAMASHISH YADAV @ KANHARA SON OF LATE MAHAVEER
YADAV RESIDENT OF VILLAGE- SABDALPUR, P.S- SAHEBPUR
KAMAL, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 26123 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

INDRADEO YADAV Son of Late Prameshwar Yadav Resident of Village -
Sabdapur, P.S. Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26356 of 2022)

For the Petitioner/s : Mr. Jitendra Narayan Sinha, Advocate
Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 26123 of 2022)

For the Petitioner/s : Mr. Jitendra Narayan Sinha, Advocate
Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office



be removed within four weeks.

The petitioners in both the cases are accuseds in connection with Sahebpur Kamal P.S. Case No. 227 of 2021 under Sections 341, 147, 148, 149, 323, 307, 504 and 506 of the Indian Penal Code.

As per the allegation, the informant has alleged that all the named accused persons arrived at his home and after abusing them, assaulted the family members including Arjun Yadav, Sunil Yadav and Avinash Yadav, who were later treated at Sadar Hospital. The informant was not present at the house and was rather at his relative's place when the alleged occurrence took place. The cause of the occurrence herein was that the accused persons had urinated at the place where the informant had kept the fodder. As the said act was opposed, they resorted to criminal act.

Mr. Jitendra Narayan Sinha, learned counsel for the petitioner submits that a bare perusal of the FIR shows that the informant was not present at the place of occurrence. Despite that he named all the family members of the present petitioners as accuseds in the case just to implicate them. He further submits that even going by the allegation, it is clear that omnibus allegation has been made against all the accused



persons of assaulting Arjun Yadav, Sunil Yadav and Avinash Yadav. He lastly submits that the petitioners are in custody since 04.09.2021 and 13.01.2022 respectively.

Mr. Sadanand Prasad, learned APP for the State, on the other hand, submits that firstly, they urinated at the place where the informant had kept the fodder and when this was opposed, they came to the informant's home and after abusing them, assaulted the family members and as such, the petitioners do not deserve bail.

Taking into account the aforesaid fact that the informant was not present at the place of occurrence, the omnibus allegation is there against all the accused persons including the petitioners herein of assaulting the family members coupled with the fact that the petitioners are in custody since 04.09.2021 (Rama Shish Yadav @ Kanhara) & 13.01.2022 (Indradeo Yadav) respectively and charge sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P.S.



Case No. 227 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

With the aforesaid observations, both the bail applications are allowed.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

