

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39510 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

1. Shamsheer Bahadur Yadav S/O Late Sampat Yadav R/O Village-Baraon, P.S.- Chand District-Kaimur At Bhabua
2. Pankaj Yadav S/O Shamsheer Bahadur Yadav R/O Village-Baraon, P.S.- Chand District-Kaimur At Bhabua
3. Uday Narayan Yadav S/O Shamsheer Bahadur Yadav R/O Village-Baraon, P.S.-chand District-Kaimur At Bhabua
4. **Shashikant Yadav** S/O Shamsheer Bahadur Yadav R/O Village-Baraon, P.S.- Chand District-Kaimur At Bhabua
5. Sabita Devi W/O Shamsheer Bahadur Yadav R/O Village-Baraon, P.S.-Chand District-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. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 At the outset, it is submitted by the petitioners' counsel that in view of arrest of Petitioner No.4 Shashikant Yadav during pendency of the instant application, the prayer for anticipatory bail on his behalf has become infructuous.

The same is accordingly dismissed.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioner Nos.1, 2, 3 and 5 are apprehending their arrest in connection with Chand P.S. Case No.44 of 2021, Gr.



No.444/2021 registered for the offence punishable under Sections 341, 323, 504, 506, 307, 337, 338, 379, 354, 34 of the Indian Penal Code.

The petitioners having iron rod have attacked and inflicted injuries to Umesh Chandra Yadav and Nanda Devi. Further allegation is regarding stone pelting and attempting to disrobe and outrage the modesty of Nanda Devi.

Alleging false implication, it is submitted on behalf of the petitioners that no case is made out under Section 307 of the I.P.C. as the injuries sustained by the injured persons are simple except one i.e., injury no.1 described as lacerated wound which is bone deep on the eye-brow and fracture as per injury report. There is a counter version to the allegation which is to be found in Chand P.S. Case No.45 of 2021. In fact, on account of dispute with regard to access to village lane, the occurrence has taken place at the spur of the moment in which both sides have sustained injuries. With intervention of common well-wishers, parties have also entered into a compromise (Annexure 4), which has been filed in the court. The petitioners are members of the common family. Petitioner No.5 has no criminal antecedents whereas other petitioners are accused in Chand P.S. Case No.116 of 2017 in which there are on bail since before.



Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, the fact that the counter case reveals occurrence having taken place at the spur of the moment and subsequent compromise, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let Petitioner Nos.1, 2, 3 and 5, namely, Shamsheer Bahadur Yadav, Pankaj Yadav, Uday Narayan Yadav and Sabita Devi, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M.-IV, Kaimur at Bhabua, in connection with Chand P.S. Case No.44 of 2021, Gr. No.444/2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the



court if there is any change in the address of the petitioners.

- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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