

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46092 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- BAHADURPUR District- Darbhanga

1. VIKAS YADAV @ VIKASH KUMAR YADAV S/o SRI RAM PRASAD YADAV R/o VILLAGE-ABDULLAPUR, P.S-BAHADURPUR, DISTRICT-DARBHANGA.
2. BILTU YADAV S/o LATE SONE YADAV R/o VILLAGE-ABDULLAPUR, P.S-BAHADURPUR, DISTRICT-DARBHANGA.
3. MAHESH YADAV S/o SRI GARIBAN YADAV R/o VILLAGE-ABDULLAPUR, P.S-BAHADURPUR, DISTRICT-DARBHANGA.
4. GARIBAN YADAV S/o LATE LAKSHMI YADAV R/o VILLAGE-ABDULLAPUR, P.S-BAHADURPUR, DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Bahadurpur P.S. Case No. 191 of 2021 registered for the offences punishable under Sections 147, 148, 149, 323, 325, 307, 341,



354B, 448, 380, 504 of the IPC and later on, Section 302 of the IPC was also added.

The prosecution case in short is that on 30.03.2021 at about 9 AM, co-accused Ram Prasad Yadav passed vulgar comment on the informant and on protest, Ram Prasad Yadav pulled her by catching her hair and with wrong intention torn her clothes. Meanwhile, Suruchi Kumari tried to save the informant upon which the accused persons including the petitioners started doing wrong act with Suruchi Kumari and torn her cloth and upon protest she was assaulted by them. The son of the informant was also assaulted in the said scuffle. The informant is also said to have assaulted by the petitioners when she fell down after getting injury.

Learned counsel for the petitioners submits that petitioners have committed no offence and they have falsely been implicated in the present case. He further submits that present case is counter blast of Bahadurpur P.S. Case No. 192/ 2021 filed by the petitioner no. 1 against the family members of the present informant. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners. Learned counsel further submits that specific allegation of assault to informant is



against co-accused Mantun Yadav and Santosh Yadav. He further submits that allegation against the petitioners is that when the informant fell down, they assaulted the informant. Learned counsel further submits that police after investigation submitted charge sheet against the petitioners and the petitioners are in custody since 05.05.2021.

Learned counsel for the informant and learned Additional Public Prosecutor vehemently opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Darbhanga in connection with Bahadurpur P.S. Case No. 191 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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