

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46741 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- SHIVSAGAR District- Rohtas

1. Surendra Yadav, Son of Late Ram Bilash Yadav, Resident of Village- Abirauli, P.S.- Shivsagar (Baddi), District- Rohtas.
2. Raj Kishore Yadav @ Raj Kishor Yadav, Son of Late Ram Bilash Yadav, Resident of Village- Abirauli, P.S.- Shivsagar (Baddi), District- Rohtas.
3. Birendra Yadav, Son of Late Ram Bilash Yadav, Resident of Village- Abirauli, P.S.- Shivsagar (Baddi), District- Rohtas.
4. Satya Narayan Yadav, Son of Late Ram Bilash Yadav, Resident of Village- Abirauli, P.S.- Shivsagar (Baddi), District- Rohtas.
5. Dadan Yadav, Son of Late Ram Bilash Yadav, Resident of Village- Abirauli, P.S.- Shivsagar (Baddi), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Shivsagar (Baddi) P.S. Case No. 142 of 2021 for the offences punishable under Sections 385, 379, 384, 341,



323, 325, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 07.06.2021 while the informant was fixing pillar for constructing his house, in the meantime, petitioner nos. 1 to 4 came and started filling up the pillars and also started abusing and assaulted by means of Lathi and Danda, due to which he sustained injuries on his waist. It is further alleged that other co-accused persons including petitioner no.5 also assaulted his brother Laxman Yadav and his Bhabhi, due to which they also received serious injuries.

At the outset, learned counsel for the petitioners submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned senior counsel appearing on behalf of the petitioners that there is general and omnibus allegation against all the accused persons including the petitioners. So far the injuries sustained on the informant is concerned, the same has been found to be simple in nature and attributed against petitioner nos. 1 to 4. It is further submitted that so far the brother as well as Bhabhi of the informant are concerned, they have also sustained one grievous injury each,



however, the same is not on vital part of the body. It is next submitted that prior to the institution of the present case, petitioner no.3 (Birendra Kumar Singh) had instituted Shivsagar (Baddi) P.S. Case No. 141 of 2021 against the informant and his family members. It is also submitted that there is admitted land dispute between the parties and in fact a free fight has taken place, due to which both the parties have sustained injuries, but the prosecution has failed to explain the injuries, which has been sustained to the persons of the petitioners' side. It is lastly submitted that the petitioners have got clean antecedents.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against all the petitioners that they have assaulted the informant and his family members.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation, apart from the fact that there is counter version of the present case, inasmuch as, the injuries to the informant have been found to be simple in nature and other injuries have not been inflicted on the vital part of the body and moreover the petitioners have absolutely clean antecedents, let the petitioners named above, be released on bail, in the event of



their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shivsagar (Baddi) P.S. Case No. 142 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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