

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47576 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- MAHESI District- East Champaran

1. RADHA KANT YADAV Son of Late Ramlal Rai Resident of village - Tajpur Bara, P.S. - Mehsi, District - East Champaran.
2. Manju Devi Wife of Radha Kant Yadav Resident of village - Tajpur Bara, P.S. - Mehsi, District - East Champaran.
3. Upendra Rai Son of Paspal Rai Resident of village - Tajpur Bara, P.S. - Mehsi, District - East Champaran.
4. Avinash Kumar son of Surendra Yadav Resident of village - Bahadimpur, P.S. - Paroo, District - Muzaffarpur.
5. Raja Kumar @ Abhishek Kumar Son of Arvind Kumar Yadav Resident of village - Chakanciba, P.S. - Fenhara, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate.

For the Opposite Party/s : Mr.Narsingh Tanti, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 20-04-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners no. 3 who is in custody since 14.06.2021 and petitioners no. 4 and 5 who are in custody since 23.04.2021 seek regular bail in connection with Mehsi P.S. Case No. 76 of 2021 for the offence punishable under Sections 147, 148, 149, 341, 323, 332, 333, 307, 338, 427, 353 and 504 of the



Indian Penal Code.

Prosecution story, in brief, is that the sub-inspector of police who is the informant of this case had received secret information from the Headquarters that an injured person in semi-conscious state was kept in confinement by the petitioner no.1 and their family members. On the said information, the police entered into the house of petitioner no.1, in the meantime, the family members of the petitioner no.1 and the villagers also came there and the situation became volatile. The police could not control the mob, in which, some of the police personnel sustained injury.

It is submitted by Mr. Krishna Prasad Singh, learned senior counsel that petitioner nos. 3, 4 and 5 are the family members. Petitioner no.3 is the cousin of petitioner no.1, petitioner no.4 is the brother-in-law of petitioner no.1 and petitioner no.5 is the *bhagina* of petitioner no.1. It is specific prayer that petitioner nos. 1 and 2 were earlier granted provisional bail and the same has been confirmed vide order dated 28.02.2022. There is general and omnibus allegation against petitioner nos. 3, 4 and 5 similar to petitioner nos. 1 and 2. They are family members and have been falsely implicated in this case. Admittedly, the victim Prem Prakash is said to have



entered into the house of the petitioner no.1 and had misbehaved with the daughter of petitioner no.1 aged about 17 years. The conduct of the victim Prem Prakash was immoral and as such the family members of the petitioner no.1 along with the villagers came to persuade the police, but the police became violent and instead of lodging F.I.R. against said Prem Prakash, they resorted to assault all the petitioners named in the F.I.R. and a false case has been lodged against them just because the police became vindictive.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, it appears that the victim with bad intention had entered into the house of the petitioner where he was overpowered by the family members of petitioner no.1 and as such about the said conduct of Prem Prakash, the petitioner no.1 had informed the police, but instead of taking any action against the victim, the police resorted to victimize all the petitioners named in the F.I.R. and in course of resistance, some of the police personnel sustained injury. I have perused the injury report. From the injury report, it appears that the injury sustained by the police are simple in nature. The victim Prem



Prakash was having bad eye on the daughter of the petitioner no.1 aged about 17 years which led to such incidence in which all the petitioners were made accused by the police personnel. Charge sheet has already been submitted. There is no allegation of tampering with the evidence or influencing the witnesses. Hence the petitioners no.3, 4 and 5 have made out a case to be released on bail.

The petitioner nos. 3, 4 and 5, above named, who are in custody since 14.06.2021 and 23.04.2021 respectively, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Mehsi P.S. Case No. 76 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

