

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39889 of 2022**

Arising Out of PS. Case No.-818 Year-2021 Thana- BIHAR District- Nalanda

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1. HATHI YADAV S/o Late Saryug Yadav R/o- Patuana, P.S. Bihar, Distt.- Nalanda.
  2. Gajo Yadav S/o Hathi yadav R/o- Patuana, P.S. Bihar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha  
For the Opposite Party/s : Mr.Bishweshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      28-09-2022                      The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in Bihar P.S. Case No. 818 of 2021 registered for the offences punishable under sections 302, 307 and other allied sections of the Indian Penal Code.

As per allegation on the alleged date and time of the occurrence the accused persons including the petitioners were abusing father- in -law of the informant and when her husband protested the accused persons including the petitioner assaulted him by means of Garasa and sword as a result of

which he became injured and when he was brought to hospital, doctor declared him dead.

The main submissions advanced by learned counsel Shri Amresh Kumar Sinha, appearing for the petitioners are that against the petitioners there is no serious and specific allegation and the informant's husband who is stated to be the main victim of the instant case is stated to have been assaulted by the co-accused persons by means of Garasa and Sword, though the petitioners are also alleged to have participated in the alleged occurrence but against them there is no specific allegation and they are not alleged to have used any fatal weapon in the alleged assault, the petitioners have clean antecedent, in between both the parties a land dispute was running at the time of alleged occurrence. There is a case and counter case between the parties. Both the petitioners are father and son.

Learned APP Shri Bishweshwar Ram, appearing for the State as well as learned counsel Shri Pankaj Kumar appearing for the informant have vehemently opposed the prayer for bail.

In view of the above submissions, mainly considering the fact that in the F.I.R any specific role of both the petitioners in assaulting the deceased has not been revealed and

they are stated to be members of the attacking party and also taking into account the petitioners' clean antecedent, in the opinion of this Court both the petitioners deserve to a lenient approach of this Court. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Nalanda at Bihar Sharif in Bihar P.S. Case No. 818 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on

account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners are found then the court below shall take serious action against them for cancellation of their bail bond.

Bail bond of the petitioners shall be accepted after framing of the charge.

**(Shailendra Singh, J)**

Hassan/maynaz/-

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