

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40607 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- KHUTAUNA District- Madhubani

1. BINOD PD. YADAV @ BINOD PRASAD YADAV S/O LATE JAY NARAYAN YADAV Resident of village- Siktiyahi, P.S.- Khutauna, District- Madhubani
2. RAMESH PD. YADAV S/O LATE JAY NARAYAN YADAV Resident of village- Siktiyahi, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2022 Heard Ms. Namrata Mishra, learned counsel for the
petitioners and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Khutauna P.S. Case No. 74 of 2022 corresponding to G.R.
No. 839 of 2022 for the offences under Sections 120(B), 109,
341, 353, 188, 186, 504/34 of the Indian Penal Code.

As per the prosecution story, the informant reached
village Sikitiyahi to vacate the encroachment. In the meantime,
the petitioners created trouble. Further, it has been alleged that
petitioners along with 25-30 unknown miscreants started



abusing and also assaulted the police personnel and tried to prevent a public servant from discharging duty.

Learned counsel for the petitioners submit that for the said land, already a title suit is pending before the Court of learned Sub-Judge 1st, Jhanjharpur. Although, she submits that it was an irresponsible act on the part of the petitioners in creating hurdle in the official work for which he has already suffered by being in custody since 26.5.2022 (as stated in para 16 of the bail application).

Considering the period of incarceration (26.5.2022), there is a title suit pending in the matter, charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhubani, in connection with Madhubani P.S. Case No. 176 of 2021 corresponding to G.R. No. 547 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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