

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41515 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- SHANKARPUR District- Madhepura

1. MOTI YADAV S/o Shatrughan Yadav R/o village- Bariyahi Tola, Mahraji, Ward No. 12, P.S.- Shankarpur, District- Madhepura
2. Pramod Yadav S/o Shatrughan Yadav R/o village- Bariyahi Tola, Mahraji, Ward No. 12, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 307, 379, 354(A), 504, 506 and 34 of the Indian Penal Code.

Informant alleges that her cousin father-in-law and brother-in-law are subjected to assault by lathi and when the informant went to rescue them, she was also subjected to assault by the petitioners due to which she fell down after being half naked. Thereafter, the petitioners snatched golden wearing of the



informant along with cash of Rs. 50,000/- and also taken away the key of tractor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that altogether 14 persons of same family have been named in the F.I.R. on account of a land dispute. He further submits that a title suit with respect to the ancestral property is going on between them as they happen to be agates. He further submits that on account of the land dispute, there was free fight between the parties in which both the parties have sustained injuries. He further submits that this case is counter version of Shankarpur P.S. Case No. 83 of 2022 lodged by the father of petitioners. There was no motive of assault or commission any crime. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order 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 learned Court below where the case is pending in connection with Shankarpur P.S. Case No. 84 of



2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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.

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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