

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41847 of 2022

Arising Out of PS. Case No.-383 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Vishesar Yadav @ Bisesar Yadav Son of Late Ramjeet Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
2. Kisan Yadav Son of Vishesar Yadav @ Bisesar Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
3. Dinesh Kumar Yadav @ Dinesh Yadav Son of Lal Bihari Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
4. Ajay Yadav Son of Asharfi Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
5. Anju Devi Wife of Asharfi Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
6. Akhilesh Yadav Son of Lal Bihari Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran
7. Arjun Yadav Son of Bisesar Yadav Resident of village- Jaukatiya, Ward No. 2, P.S- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 452,



341, 323, 324, 354B, 327, 307, 384, 379, 504, 506 and 34 of the Indian Penal Code.

According to the prosecution case, the accused persons tried to capture the land of the informant fraudulently. They threatened the informant to capture her land and also assaulted the informant and other people by lathi and rod and made them injured.

Learned counsel for the petitioners submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against all the accused persons and there is admitted land disputes between the parties. He further submits that there is specific allegation of assault against the petitioner nos. 2 ,3 and 4 but the injury report does not support the allegation as alleged in the F.I.R. He further submits that the medical evidence suggest that the injury is simple in nature and none has sustain any grievous injury.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carries one more case other than the present one.

Considering the aforesaid facts and circumstances,



let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Court below where the case is pending in connection with Majhauriya P.S. Case No. 383 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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, 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. 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 his 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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