

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42258 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- MAJHAULIA District- West Champaran

1. Vishwanath Yadav Son of Late Ramjee Yadav Resident of village - Bahuarawa Bairathpur, P.S.- Manjhaulia, District - West Champaran.
2. Pawan Yadav Son of Vishwanath Yadav Resident of village - Bahuarawa Bairathpur, P.S.- Manjhaulia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

In the present case, the petitioners seek bail in connection with Majhaulia P.S. Case No. 347 of 2022 registered for the alleged offences under Sections 341, 323, 447, 324, 307, 337, 384, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, the petitioners along with other co-accused persons tried to forcibly capture the land of the informant and demanded an amount of Rs. 3 lakhs as extortion money and threatened the informant with life. On the date of occurrence, under a conspiracy, the petitioners and other co-accused persons surrounded the informant and abused him and



demanded the extortion money. On order being given by the petitioner Vishwanath Yadav, the co-accused Adalat Yadav gave *farsa* blow on the head of the informant causing injuries. One Udho Yadav also attacked the informant on his head with *farsa*. The allegation against petitioner no.2 is that he assaulted the informant with rod.

Learned counsels for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter blast of Majhaulia P.S. Case No. 349 of 2022 filed by the wife of the petitioner no.1 for the same occurrence. The informant of this case is accused in the case filed by the wife of the petitioner no.1. The present case has been lodged by the informant to pressurize the petitioner and his family members for making compromise in connection with Majhaulia P.S. Case No. 349 of 2022. The informant and the petitioners are agnates and they are on inimical terms on account of land dispute and the family members of the petitioners had earlier filed a Title Suit No. 252 of 2011 in which the family members of the informant are defendant. Learned counsel further submits that the allegation against petitioners are vague and omnibus. The only allegation against petitioner no.2 is that upon his instigation other co-accused



assaulted the informant. There is no specific allegation against this petitioner for causing any assault upon the injured. The allegation against the petitioner no.2 is that he assaulted the informant by iron rod. The specific allegation of assault on the head is against the other co-accused persons namely Adalat Yadav and Udho Yadav. Learned counsel further submits that in the aforesaid circumstances no offence under Sections 324, 307 and 384 of the Indian Penal Code is made out against the petitioner. The petitioners are in custody since 12.05.2022 and charge-sheet has been submitted. The petitioners are having no criminal history.

Learned APP oppose the prayer for bail submitting that the petitioner no.1 is the order giver and petitioner no.2 assaulted the informant with iron rod.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of assault against this petitioner no.1 and the allegation against petitioner no.2 does not appears to be serious and further considering their period of custody and clean antecedents and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 347 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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