

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43897 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Hari Mohan Yadav S/O Uttim Lal Yadav Resident Of Village- Gausa, P.S.-
Sadar District- Darbhanga.
 2. Aman Kumar S/O Hari Mohan Yadav Resident Of Village- Gausa, P.S.-
Sadar District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-11-2022 The case is heard through video conferencing.

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
learned APP for the State.

Petitioners seek regular bail in connection with Sadar
(Sonki O.P.) P.S. Case No. 247 of 2022 registered for the
offences punishable under Sections 341, 323, 307, 504, 506 and
34 of the Indian Penal Code.

As per the prosecution, the informant, his wife and his
nephew were assaulted by these petitioners and other co-



accused persons. Further it is alleged that the petitioner No. 1 assaulted the informant's wife by means of fists.

The main submissions advanced by the learned counsel Mr. Iqbal Asif Niazi for the petitioners are that both the parties are agnates and in between them there is an active litigation on account of a property dispute and as per the FIR five persons were alleged to have assaulted the informant and his family members and against the petitioner No. 1 there is no specific allegation of assaulting and he was simply alleged to have pushed down the wife of the informant and assaulted her with fists and legs and against petitioner No. 2 there is no allegation and they have been languishing in jail since 14.05.2022 and in between both the parties there is a case and counter case.

Learned APP Mr. Prem Kumar Jha appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. In view of the nature of allegation appearing against the petitioners and considering the facts that in between both the parties a dispute with regard to property was running at the time of occurrence which was stated to be the genesis of the occurrence and the main allegation of inflicting knife and farsa blow on the injured



persons of this case is against co-accused persons and as per the statement made in paragraph No. 3 of their petition the petitioner No. 2 has clean antecedent and against petitioner No. 1 there is criminal antecedent of two cases in which he is on bail and also taking into account the custody period of the petitioners, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, 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 concerned Court in connection with (Sonki O.P.) P.S. Case No. 247 of 2022.

(Shailendra Singh, J.)

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