

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54679 of 2021**

Arising Out of PS. Case No.-283 Year-2018 Thana- BALIYA District- Begusarai

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1. SHYAM SUNDAR YADAV @ SHYAM SUNDAR KUMAR Son of Congress Yadav @ Kangresh Yadav
  2. SARVIN YADAV @ SARAVINDA YADAV Son of Late Mahendra Yadav @ Mahendra Yadav.  
Both Resident of Village- Tulsi Tol, Paharpur, P.S.- Ballia, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam,Adv  
For the Opposite Party/s : Mr.Jharkhandi Upadhyay,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-01-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in connection with S.Tr.No.51 of 2021 arising out of Ballia P.S.Case No. 283 of 2018 registered for the offence under Sections 341,323,324,302,34 of the Indian Penal Code.

The prosecution case, in short, is that the informant- Runa Devi on 03.10.2018 at about 6.30 P.M. she was at his Dera with her husband and children. In the meantime her Bhaisur



Congress Yadav armed with Bhala (spear), Sarbin Yadav and Shyam Sundar Yadav armed with lathi came there and due to partition of wood and other matter they abused her husband, an altercation took place between them. On protest Congress Yadav gave a spear blow in the stomach of Subodh Yadav, when he fell down by sustaining injury, Sarbin Yadav and Shyam Sundar Yadav started to assault him with lathi-danda as a result of which her husband sustained bleeding injury and fell down. She brought him to Ballia hospital for treatment and from there to Begusarai Sadar hospital for better treatment from there he was referred to B.M. Hospital, Begusarai for better treatment on 04.10.2018. On 05.10.2018 in the night at about 11.30 he died there.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR itself that the allegation of the assault is against Congress Yadav. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in the FIR was 03.10.2018 and the present FIR has been instituted on 06.10.2018 without any explanation of delay. He further submits that the main accused, namely, Congress Yadav has been acquitted by the learned Trial



Court in S.Tr.No.397 of 2019 vide judgment dated 06.03.2020 and petitioner No.1 is in custody since 10.08.2020 and petitioner No.2 is in custody since 28.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 Additional Sessions Judge-II, Begusarai in connection with S.Tr.No.51 of 2021 arising out of Ballia P.S.Case No. 283 of 2018 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 bonds 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.

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 antecedents, 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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