

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44751 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- KARPI District- Jehanabad

1. DEVI LAL YADAV Son of Kamakhaya Yadav Resident of Village - Mangabigha, P.S.- Banshi, District - Arwal.
2. ASHok Yadav @ ASHok Kumar @ Amit Kumar Son of Jit Narayan yadav Resident of Village - Mangabigha, P.S.- Banshi, District - Arwal.
3. Nain Prakash Kumar Son of Basant Yadav Resident of Village - Mangabigha, P.S.- Banshi, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 307, 323, 324, 341, 379, 504 and 506 of the Indian Penal Code.

As per prosecution story, in brief, is that while the informant was cutting paddy crops the petitioners along with other co-accused persons came there and they started abusing.



Co-accused Basant Yadav assaulted by means of iron rod on the head of the informant as a result of which the victim fell down. It is further alleged that when his wife came there, co-accused Jit Narain Yadav assaulted by means of *Khanti* on her head causing injury to her and when the informant's Bhabhu came there then the petitioner Devi Lal Yadav assaulted by means of pasuli causing injury to her. It is further alleged that when the informant's mother Maneshwari Devi came there then the petitioner Ashok Yadav besides Nanu Yadav assaulted by means of lathi on the waist and co-accused Kanti snatched gold locket.

Learned counsel for the petitioners submits that the petitioner no. 1 carries three more cases other than the present one whereas petitioner no. 2 carries two more cases and petitioner no. 3 carries one more case other than the present one. He further submits that the petitioners have been falsely implicated in the present case. He further submits that there is case and counter case and as per F.I.R. petitioner no. 1 Devilal Yadav has assaulted Rekha Devi and petitioner no. 2 Ashok Yadav has assaulted Maneshwari Devi. He further submits that there is no allegation of assault or overt act against petitioner no. 3 and the injury report of the injured persons namely Rekha Devi and Maneshwari Devi suggests that the injuries are simple



in nature.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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/- (Rupees 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 Karpi P.S. Case No. 238 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, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 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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