

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54946 of 2022**

Arising Out of PS. Case No.-98 Year-2022 Thana- MANPUR District- West Champaran

1. Lorik Yadav @ Manoj Yadav S/O Ramchandra Yadav Resident of village- Bairiya, P.S.- Sahodra, District- West Champaran.
2. Prem Yadav S/O Teras Yadav resident of village- bairiya, p.s.- Sahodra, District- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Ravi Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Manpur P.S. Case No. 98 of 2022 dated 10.06.2022 registered for the offences punishable under Sections 323, 341, 307, 325, 379, 120B of the Indian Penal Code. They are in custody since 04.07.2022. Petitioner No. 1 has got 7 criminal antecedents whereas petitioner no. 2 has got 4 criminal antecedents.

Learned counsel for the petitioners submits that as per



the prosecution story, on 08.06.2022, at around 08:00 A.M., when the informant namely Ranjit Yadav went to his land situated in Khata No. 47, Khesra no. 113,114,36 in his possession, he saw 26 FIR named accused persons were cultivating his land by tractor. The informant further alleged that when he tried to stop them, all the accused persons assaulted him with sticks and rods. It is further alleged that the uncle of the informant was also assaulted when he came to save the informant. It was the further allegation of the informant that the accused had snatched Rs. 15,000/- from his pocket.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners are in custody since 04.07.2022.

Learned counsel submits that there are no specific allegations against these petitioners rather the allegations are general and omnibus. It is submitted that the injuries found in the injury report are simple in nature.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Learned counsel for the informant has opposed this application saying that both the petitioners have got ten criminal



antecedents each.

Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioners that in the first information report, there are general and omnibus allegation against altogether 26 named accused persons, the alleged occurrence has taken place on account of a land dispute, there is no specific allegation against these petitioners and from the injury report available on the record, it will appear that the informant Ranjit Yadav has suffered only one injury which has been found to be simple in nature, learned counsel for the informant does not deny that the injury is simple in nature and further considering that the petitioner no. 1 has got 7 cases and petitioner no. 2 has got 4 cases but they are on bail in those respective cases, in the present case, the petitioners have remained in custody since 04.07.2022 and investigation against them is complete, there being no submission that their release is likely to result in tampering with the evidence or interfering with the course of trial or that their presence cannot be secured in course of trial, therefore, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned court of



Sonam Rani, Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Manpur P.S. Case No. 98 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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