

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66473 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- JOGAPATTI District- West Champaran

1. SANJAY YADAV Son of Sri Indrasan Yadav Resident of Village- Kudiya Rampurwa, P.S.- Jogapatti, District- West Champaran.
2. Indrasan Yadav Son of Late Gauri Yadav Resident of Village- Kudiya Rampurwa, P.S.- Jogapatti, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Jogapatti
P.S. Case No. 106 of 2021 registered for the offence under
Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian
Penal Code.

The accused/petitioner are named in the F.I.R. and are
in custody since 19.08.2021.

The allegation against the petitioner is to commit
assault the informant and his family members, equipped with



deadly weapons like *lathi*, iron rod, etc. along with other co-accused persons. The occurrence is taken place in background of land dispute.

Learned counsel appearing on behalf of the petitioners submitted that occurrence was nothing, but a free fight between the parties, where, both the parties received injuries and for the said occurrence, a counter case was also lodged by the petitioner, which has been registered as Jogapatti P.S. Case No. 107 of 2021. It has further been submitted that allegation as regard to assault is very much general and omnibus in nature against the petitioners and if the version of FIR is excepted on its face, it appears that the assault was made on non-vital part of the body, which negate the intention of the petitioners to cause death. It has further been submitted that petitioners are man of clean antecedent. While concluding the argument, it has been submitted that matter has been compromised and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that alleged offence is non-compoundable in nature.

Considering the facts and circumstances as mentioned



above, as allegation as regard to assault is appearing omnibus against the petitioner, as per FIR, where the petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Jogapatti P.S. Case No. 106 of 2021 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 CJM, West Champaran at Bettiah/concerned court, subject to the following conditions:

“(i)Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Sarita Devi, who is the wife of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

