

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57403 of 2022

Arising Out of PS. Case No.-409 Year-2021 Thana- KHAIRA District- Jamui

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1. DEVAN YADAV @ DEVENDRA PRASAD YADAV Son of Pabrit Yadav
 2. Arun Yadav Son of Pabrit Yadav
 3. Sourav Kumar Son of Pabrit Yadav
 4. Satish Kumar @ Satish Kumar Yadav Son of Bengali Yadav
- All are R/V- Jhundo, P.S- Khaira, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,149,341, 323, 324, 307, 447 and 504 of the Indian Penal Code.

The prosecution case, in short, is that when cousin brother of informant namely Dinesh Yadav tried to save the informant, then Abhishek Yadav and Saurav Yadav gave iron rod blow over head of Dinesh Yadav, and due to which, he received injury over his head, and blood started oozing. Other accused persons also assaulted Dinesh Yadav. It has been



further alleged that Bishundeo Yadav came to save the informant, then Devan Yadav, Arun Yadav and Satish Yadav assaulted Bishundeo Yadav by means of Fatha, iron rod and Katta, and due to which he also received injury over his head, and blood started oozing out. All the injured persons were brought to Khaira hospital for their treatment.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that there is case and counter case. Further submits that petitioner No.4 also lodged Khaira P.S.Case No.103 of 2021 and 111 of 2022 against the informant and his family members, out of two cases, one case has been lodged prior to the institution of the present case. Further submits that it appears from the FIR that the allegation against the petitioners is that they assaulted to Dinesh Yadav and Bishundeo Yadav by means of iron rod and Butt of the pistol. Further submits that the injury report of the injured persons suggests that the injury is simple in nature. There is admitted land dispute between the parties.

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

Considering the aforesaid facts, 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 (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 Khaira P.S. Case No. 409 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 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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