

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11029 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- CHHATAPUR District- Supaul

1. Prashant Kumar Yadav @ Prashant Yadav @ Prashant Kumar Son Of Ramchandra Yadav R/V- Bhawanipatti, P.S.- Chhatapur (Rajeshwari Op) and District- Supaul
2. Punam Kumar Son Of Surendra Yadav R/V- Bhawanipatti, P.S.- Chhatapur (Rajeshwari Op) and District- Supaul

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Sanjeev Verma, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Chhatapur (Rajeshwari OP) P.S. Case No. 301 of 2022 giving rise to Sessions Trial No. 494 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354-A, 385, 379, 504 and 506 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that while the informant along with his family members were planting paddy crops in their own field, in the meanwhile, all the twenty named accused persons,



including the petitioners and fifty unknown miscreants armed with various weapons arrived at the field and started assaulting the informant and his family members by means of iron rod, Lathi, Dabiya, Khanti, due to which eight persons have sustained simple and grievous injuries.

Submission has been made on behalf of the petitioners that from the FIR, it would be evident that allegation has been leveled against twenty named and fifty unknown persons and no specific allegation has been leveled against the petitioners, apart from the fact that there is a counter version of the present case, being Chhatapur (Rajeshwari OP) P.S. Case No. 302 of 2022 instituted by the members of the petitioners side. From perusal thereof, it is evident that persons of both the sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioners side, who have also sustained grievous injuries. Further submission has been made that on account of land dispute a free fight has taken place between both the sides and there had no premeditation nor the petitioners have participated in the crime. It is next submitted that now the investigation of the crime is already complete and the charge-sheet has been submitted and moreover, the case has been committed to the Court of Sessions.



The petitioner nos. 1 and 2 are in custody since 05.09.2022 and 13.08.2022 respectively.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against twenty named accused persons and fifty unknown persons, apart from the fact that charge-sheet has been submitted, and the case has been committed to the Court of Sessions and the petitioners are ready to give undertaking that they will fully cooperate in the trial, coupled with the period of custody, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, Supaul in connection with Chhatapur (Rajeshwari OP) P.S. Case No. 301 of 2022, giving rise to Sessions Trial No. 494 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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