

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18004 of 2023

Arising Out of PS. Case No.-519 Year-2022 Thana- NARPATGANJ District- Araria

1. KESHWAR YADAV @ KESHWAR PRASAD YADAV S/O- LATE MAHAVIR YADAV Village- Nathpur Ps- narpatganj Dist- Araria
2. Santosh Yadav @ Santosh Kumar Yadav Son of Keshwar Yadav Village- Nathpur Ward No- 5 Ps- Narpatganj Dist- Araria
3. Sanjay Yadav Son of Keshwar Yadav Village- Nathpur Ward No- 5 Ps- Narpatganj Dist- Araria
4. Rajeev Yadav @ Rajeev Kumar Son of Keshwar Yadav Village- Nathpur Ward No- 5 Ps- Narpatganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Narpatganj P.S. Case No 519 of 2022 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 506 and 504 of the I.P.C. lodged on 22.11.2022 by the informant Keshwar Yadav.

The prosecution story, in brief, is that on 22.11.2022, the informant got information about cutting of trees on their land, the informant along with his son Rakesh Kumar Yadav and Bikash Kumar came on the place of occurrence and made



protested with the petitioners and other co- accused for cutting the tree. Infuriated by that, on the order of Keshwar Yadav, Sanjay Yadav, Santosh Yadav and Rajeev Yadav assaulted the informant's son Rakesh Yadav and Bikash Kumar by giving of 'Farsa' blow causing injuries and both fell down. Later, other accused persons assaulted them by lathi blow. It was further alleged that the accused persons also committed theft by taking away Rs. 5 lacs from another son Ranjan Kumar, who had come on the spot on hearing hulla. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioners that there is a case and counter case and allegation has been made against each of the accused person in a routine manner. Although the injuries have been found to be grievous in nature, the same is on the leg which is not a vital part.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 25,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and her son after checking the credentials.



Learned APP opposes the prayer stating that although non-vital part, the injuries have been found to be grievous in nature.

Taking into account the aforesaid fact as also that none of the petitioner having criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No 519 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

If, however, it is found that any of the petitioners having criminal antecedent, the bail order regarding said petitioner shall become infructuous.

(Rajiv Roy, J)

Ravi/kiran/-

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