

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26317 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- BASOPATTI District- Madhubani

1. VIJAY YADAV Son of Mahanthi Yadav R/V- Chhatouni, PS- Basopatti, dist- Madhubani
2. Budhan Yadav Son of Dorik Yadav R/V- Chhatouni, PS- Basopatti, dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 07.01.2023 in connection with Basopatti P.S. Case No.06/2023, dated 06.01.2023 registered for the offences punishable under Sections 323, 341, 324, 307, 504 and 34 of the I.P.C.

According to prosecution case, there is allegation against the petitioner that he along with other co-accused persons having armed with lathi, danda, farsa and iron rod assaulted the informant. It is alleged that co-accused, namely, Bechan Yadav assaulted on the head of Mohan Yadav by means of Dabia due to which, he became badly injured. Thereafter he was taken to hospital for treatment.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to admitted land dispute. He further submits that both the parties are agnates and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioners and in second part, there is specific allegation against the co-accused, namely, Bechan Yadav, who inflicted Dabia blow on the head of the injured Mohan Yadav. There is no specific allegation of any assault or overt act is attributed against the petitioners and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 07.01.2023.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer of bail of the petitioners on the ground that the petitioners have carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioners are on bail in that case.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned J.M.1st Class, Madhubani in connection



with Basopatti P.S. Case No. 06/2023, subject to the 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 bond 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.

3. 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.

(Rajesh Kumar Verma, J)

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