

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29536 of 2023

Arising Out of PS. Case No.-269 Year-2020 Thana- CHHATAPUR District- Supaul

1. Birendra Yadav @ Birendra Kumar Son of Late Dhuthur Yadav Resident of village - Dahariya, ward no. 08, P.S. - Chhatapur, Distt. - Supaul
2. Ramchandra Yadav Son of Late Thakuri Yadav Resident of village - Chuni (Mahammadganj), P.S. - Chhatapur, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chhatapur PS Case No. 269 of 2020, dated 20-10-2020 registered for the offence punishable under Sections 341, 323, 324, 307, 325, 379, 384, 504 and 506/34 of the Indian Penal Code.

3. As per allegation in the FIR several accused persons, including the petitioners armed with different weapons were forcibly harvesting the crops of the informant. On protest made by him, co-accused Devendra Yadav pointed three nut pistol and ordered the petitioners to kill the informant. The sons



of the informant were also beaten by *farsa* and sword.

4. Learned counsel for the petitioners, referring to the order dated 22.3.2022 passed by the District and Sessions, Supaul, rejecting the prayer for bail, submits that on consideration of the material in the course of investigation, the court has found that the issue arises out of a dispute relating to partition and no specific allegation of assault has been leveled against the petitioner. The petitioner no.1 has antecedent which arise out of similar circumstances whereas the petitioner no.2 has no antecedent. The co-accused, namely Bijendra Yadav and and Sijendra Yadav have been allowed bail in Cr. Misc. No. 62665 of 2021.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, petitioner's claim based on parity, the nature of allegations, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 CJM, Supaul, in connection with Chhatapur PS Case No. 269 of 2020 , subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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