

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31549 of 2022

Arising Out of PS. Case No.-159 Year-2020 Thana- SAHPUR District- Bhojpur

1. Toofani Yadav, S/o Late Gauri Yadv Resident of Village- Damodarpur, P.s.- Shahpur, District- Bhojpur.
2. Dharmendra Yadav, S/o Dasarath Yadav Resident of Village- Damodarpur, P.s.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Gopal Govind Mishra, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Shahpur P.S. Case No. 159 of 2020 registered for the offences punishable under Sections 147, 148, 149, 307, 427, 504 and 506 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 24.05.2020 at about 10:00 AM in the morning, all the accused



persons, including the petitioners, started constructing palani in the land of the informant and when the same was protested on the exhortion made by Bishwanath Yadav and Moti Lal Yadav to kill the informant, accused Saheb Yadav and Binod Yadav assaulted the informant on his head and hand causing serious injuries. It is also alleged that the petitioners along with Budhu Yadav and Dharmendra Yadav assaulted Nanhak Yadav on his head causing grievous injury. Further allegation has been levelled against other accused persons also.

Learned counsel appearing on behalf of the petitioners submits that so far the petitioners are concerned, there is general and ominous allegation and in fact from the FIR it is alleged that the petitioners along with Toofani Yadav and Budhu Yadav have assaulted Nanhak Yadav due to which he sustained injury, however, co-accused Budhu Yadav has already been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 22096 of 2021 vide order dated 15.11.2021. He next submits that there is a counter version of the present case being Shahpur P.S. Case No. 158 of 2020 in earlier point of time, instituted by co-accused Ravi Ranjan Yadav. He further submits that so far other accused persons, namely, Bishwanath Yadav, Moti Lal Yadav and Ravi



Ranjan Yadav are concerned, they have been allowed the privilege of anticipatory bail in Cr. Misc. No. 34094 of 2020 by the learned co-ordinate Bench of this Court. He lastly submits that the petitioners are men of fair antecedent and in custody since 06.01.2022.

On the other hand, learned APP for the State while opposing the bail application submits that specific allegation has been levelled against the petitioners that they assaulted Nanhak Yadav, causing injury which resulted into his death.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and also the fact that co-accused persons, having similar allegation, has been allowed the privilege of bail coupled with the period of custody and the fair antecedent of the petitioners as well as counter version of the present case, 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 Chief Judicial Magistrate -I, Bhojpur in connection with Shahpur P.S. Case No. 159 of 2020, 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.

(Harish Kumar, J)

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