

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40766 of 2023**

Arising Out of PS. Case No.-379 Year-2022 Thana- KHIJARSARAI District-
Gaya

- =====
1. MAHENDRA YADAV @ MAHENDRA KUMAR Son of Prasidh Yadav Resident of village - Kohwara, P.S. - Khizarsarai, Distt. - Gaya
 2. Prasidh Yadav @ Prasid Yadav Son of Karu Yadav Resident of village - Kohwara, P.S. - Khizarsarai, Distt. - Gaya
 3. Saruni Devi Wife of Kaushalendra Yadav Resident of village - Kohwara, P.S. - Khizarsarai, Distt. - Gaya
 4. Shiv Shankar Yadav Son of Balsharan Yadav Resident of village - Kohwara, P.S. - Khizarsarai, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Abhay Kumar Roy

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 09-10-2023 Heard Mr. Syed Asgher Najmi, learned counsel for the
petitioners and Mr. Abhay Kumar Roy, learned A.P.P. for the State.

The petitioners apprehend their arrest in Khizarsarai
(Sarbahda OP) P.S. Case No. 379 of 2022 dated 13.10.2022
registered for the offence under Sections 147, 148, 341, 323, 325,
307, 354, 379, 427, 504 and 506 of the Indian Penal Code.

The petitioners are alleged to have assaulted the
informant by iron rod due to which the right leg of the informant
was broken and snatched golden wearings from the family
member of the informant.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the present occurrence took place due to a pity dispute as the dog of Mahendra Kumar, petitioner No.1 sat on the door of the informant and there was no intention to assault the family members of the informant. He further submits that on an scuffle between the parties both of them have lodged case and counter case against each other. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them except one Shiv Shankar Yadav who alleged assaulted the informant by iron rod due to which leg of the informant got fractured but no injury has been inflicted to the informant on any vital part of his body.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Khizarsarai (Sarbahda OP) P.S. Case No.



379 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

