

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43705 of 2023**

Arising Out of PS. Case No.-18 Year-2023 Thana- NAWADA MUFFASIL
District- Nawada

- =====
1. RAMKHELAWAN YADAV Son of Tulsi Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada
 2. Santu yadav Son of Tulsi Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada
 3. Vilash Yadav @ Rakesh Yadav Son of Tulsi Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada
 4. Nakul Yadav @ Nakul Kumar Son of Tulsi Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada
 5. Tulsi Yadav Son of Late Faggu Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada
 6. Arjun Yadav Son of Late Faggu Yadav Resident of village - Singhaul, P.S. - Mufassil, Distt . - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr. Sudhir Kumar Sinha, learned counsel for

the petitioner and Mr. Anil Kumar Singh No.1, learned A.P.P.

for the State.

At the outset, learned counsel for the petitioners
submits that petitioner No.5, Tulsi Yadav, has been taken into
custody, therefore, this application has become now
infructuous with respect to petitioner No. 5 only.



Accordingly, this application stands dismissed with respect to petitioner No.5 as having been infructuous.

The petitioners apprehend their arrest in connection with Nawada Mufassil P.S. Case No. 18 of 2023 registered for the offence under Sections 341, 323, 307, 354(B), 504, 506/34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant mercilessly on account of land dispute.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to previous land dispute. He further submits that both the parties are agnates and there is admitted land dispute between them. He further submits that on bare perusal of the F.I.R., it appears that there is general and omnibus allegation levelled against the accused persons including the petitioners and no specific allegation of assault or any overt act is attributed to them.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioners and submits that according to the F.I.R., the petitioners have assaulted the informant and his family members on account of land dispute. He fairly submits that



parties are agnates and number of cases are pending between them on account of land dispute. He further submits that petitioner Nos. 1, 2 and 3 carry two more cases and petitioner No.4 carries two more cases other than the present one and petitioner No.6 has clean antecedent.

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 A.C.J.M.-I, Nawada in connection with Nawada Mufassil P.S. Case No. 18 of 2023, 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	
---	--	---	--

