

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47396 of 2023

Arising Out of PS. Case No.-61 Year-2018 Thana- HARSIDHI District- East Champaran

1. Budhan Yadav Son Of Late Darbari Yadav R/O-Guddupur, P.S.-HARSIDHI, Distt.-East Champaran
2. Baliram Yadav @ Bali Rai Son Of Late Darbari Yadav R/O-Guddupur, P.S.-Harsidhi, Distt.-East Champaran
3. Shail Devi Wife Of Budhan Yadav R/O-Guddupur, P.S.-HARSIDHI, Distt.-East Champaran
4. Arjun Yadav Son Of Budhan Yadav R/O-Guddupur, P.S.-HARSIDHI, Distt.-East Champaran
5. Chandan Yadav @ Chandan Kumar Son Of Arjun Yadav R/O-Guddupur, P.S.-Harsidhi, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Harsidhi PS Case No. 61 of 2018, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 379, 34 of the Indian Penal Code.

3. According to the FIR, all the FIR named accused persons including petitioners assaulted the informant and family members. Petitioner no. 1 snatched cash of Rs. 10,000/- from



the pocket of informant.

4. Learned counsel for the petitioners submits that petitioners have got clean antecedents and they have been falsely implicated in this case due to land dispute. There is case and counter case. Both sides sustained injuries. All the injuries received by the people of informant side are simple in nature.

5. Learned APP for the State, on the other hand vehemently opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 61 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further conditions:-

(i) 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 bonds shall be liable to be cancelled by



the Court below.

(ii) If the petitioners tamper with the evidence or the witness, in that case, prosecution will be at liberty to move for cancellation of bail.

(iii) 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 antecedents, the court below shall take step for cancellation of bail bonds 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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