

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49493 of 2023

Arising Out of PS. Case No.-671 Year-2022 Thana- RAHUI District- Nalanda

1. Manoj Yadav Son Of Late Kedar Yadav Resident Of Village- Jiyachak, Ps- Rahui, Dist- Nalanda
2. Anil Yadav Son Of Late Kedar Yadav Resident Of Village- Jiyachak, Ps- Rahui, Dist- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Rahui P.S. Case No. 671 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code.

3. As per allegation, on 25.12.2022 at about 12.30 PM when the informant was measuring his house land from Ameen, the petitioners along with other co-accused persons came to his house and started assaulting the informant with lathi, danda and iron rod as a result of which the informant sustained head injury. The accused persons are further alleged to



have assaulted the family members of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the allegation as alleged in the FIR, it transpires that the occurrence took place on account of dispute relating to land in which both sides assaulted each other. He also submits that no specific allegation of any overt-act is alleged against the petitioner. He further submits that from the side of the petitioner Rahui P.S. Case No. 671 of 2022 was instituted earlier and the present case is counter-blast of the said case. He also submits that similarly situated co-accused persons have already been enlarged on bail vide order dated 20.07.2023, passed in Cr. Misc. No. 29405 of 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has vehemently opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances,



the petitioners, above-named, is directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge, Nalanda at Bihar Sharif, in connection with Rahui P.S. Case No. 671 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period



of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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