

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53126 of 2023

Arising Out of PS. Case No.-665 Year-2022 Thana- PIRO District- Bhojpur

1. Fulchand Yadav @ Phulchand Yadav S/O Late Jitan Yadav R/O Village- Piro, Ward No. 13, Ps. Piro, Dist. Bhojpur
2. Chandan Yadav S/O Late Jitan Yadav R/O Village- Piro, Ward No. 13, Ps. Piro, Dist. Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Anil Kumar Singh, learned counsel for the
petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Piro P.S. Case No.665 of 2022, registered for the offences punishable under Sections 448, 341, 323, 354, 354(B), 504 and 379/34 of the Indian Penal Code.

3. Allegedly, all the accused persons variously armed with pistol and iron rod entered into the house of the informant and the petitioner no.1 indecently misbehaved with the informant. Further, co-accused Gulab Chand Yadav assaulted her by means of iron rod due to which she fell down. It is further alleged that the petitioner no.2 snatched her earring. Further allegation has been leveled against other co-accused



persons.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR, it is evident that on the alleged date of occurrence there was an election of Bihar Nagar Parisad and Lakhmuna Devi, who was contesting the election, happens to be mother of the petitioners, and as there was some differences on account of cast of bogus vote, FIR has been instituted by making of false allegation. He further submits that on the same day there is counter version of present occurrence being Piro P.S. Case No. 667 of 2022. He next submits that the entire allegation has been made in the background of the election dispute only in order to wreck vengeance against the petitioners. He further submits that so far as petitioner no1 is concerned, he is accused in two other criminal cases but in both the cases he is on bail and so far as the petitioner no.2 is concerned, he is a man of fair antecedent.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the counter version of the present case, apart from the genesis of the occurrence and the



fact that there was some differences arisen on account of election dispute, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No.665 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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