

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52005 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- JADIA District- Supaul

PRAMOD YADAV SON OF SURYNARAYAN YADAV RESIDENT OF
VILLAGE- GYUDIYA, PS- JADIA, DIST- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52019 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- JADIA District- Supaul

VIDHYANAND YADAV @ VIDHYA SAGAR @ VIDYANAND YADAV
SON OF DEVNANDAN YADAV RESIDENT OF VILLAGE- GUDIYA, PS-
JADIA, DIST- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52005 of 2023)

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

(In CRIMINAL MISCELLANEOUS No. 52019 of 2023)

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 17-08-2023 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 17.05.2023 &
31.05.2023 respectively seek bail in connection with Jadia P.S.
Case No.316/2022, dated 04.12.2022, registered for the offences
punishable under Sections 147, 148, 323, 341, 324, 307 of the



I.P.C.

3. According to prosecution case, the petitioners along with other co-accused persons having armed with deadly weapons came at the disputed land and forcibly started ploughing the field. The informant with his ancestors forbade them, on which, co-accused, namely, Sanjay Yadav gave *farsha* blow on the head of Joganand Mukhiya due to which his head split up and fell down. The other co-accused persons have also assaulted the ancestors of the informant with lathi and iron rod causing injury to them.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and there is admitted land dispute between the parties. He further submits that there is Title suit bearing no. 121 of 2021 pending between the parties and both the sides have sustained injury in the present occurrence. He further submits that from bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against them and the specific allegation of assault is against co-accused, namely,



Sanjay Yadav. He further submits that co-accused persons, namely, Sanjay Yadav, Pirnarayan Yadav, Piyushkant Yadav and Jaykrishna Yadav have been granted bail and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 17.05.2023 & 31.05.2023 respectively.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 A.C.J.M.-II, Supaul in connection with Jadia P.S. Case No.316/2022, subject to 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 cancelled 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.

3. 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)

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