

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54369 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- MANPUR District- Nalanda

1. BALMIKI YADAV, Male, aged about 30 years, Son of Yogendra Yadav
2. Yogendra Yadav, Male, aged about 61 years, Son of Bindeshwar Yadav
Both are Residents of village - Bahuara, P.S. - Manpur, Distt. - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Rabindra Prasad Singh, learned counsel
appearing on behalf of the petitioners and Mr. Ram Sumiran
Rai, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Manpur P.S. Case No. 77 of 2023 dated 02.05.2023
registered for the offence(s) punishable under Sections 341, 323,
324, 379, 504, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
are alleged to have assaulted the informant, his brother and
nephew by means of butt of the pistol and *lathi*, as a result of
which, they sustained injuries.

4. Learned counsel appearing on behalf of the
petitioners submitted that petitioners are innocent and have been



falsely implicated in this case due to old enmity and village politics. Learned counsel further submits that he has been instructed by the pairvikar that petitioners are willing to compensate the injured persons and they will also bear the cost incurred on their treatment on mutual agreed terms. On these grounds, learned counsel submits that petitioners deserve to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, the petitioners, above named, are directed to be released on **provisional** pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. V, Nalanda, Bihar Sharif in connection with Manpur P.S. Case No. 77 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with a further condition that petitioners will file undertaking before the court below to the effect that as per their desire, they will compensate the informant and they will also bear the cost incurred upon the injured persons.



7. It is also made clear that the petitioners will file their personal affidavit before the court below along with two responsible persons of the same village who undertake that the petitioners will not involve in any crime or will not indulge in criminal act by threatening or causing any physical assault on any of the family members of the informant's side.

8. In case of failure to abide by the above direction contained in the present order, the provisional bail granted to the petitioners shall be cancelled.

9. Further, the District Court is further directed to observe the conduct of the petitioners and after obtaining report from the Superintendent of Police after a lapse of one year, in case no complaint or any criminal case is lodged against the petitioners during the aforesaid period, the provisional bail granted to the petitioners shall be made absolute on such terms and conditions as the court below deems fit and proper.

10. With aforesaid observations and directions, the present application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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