

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55250 of 2022

Arising Out of PS. Case No.-147 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

1. Dewan Yadav @ Naresh Yadav, Son of Cheta Yadav Resident of village - Dadpur, Police Station - Magadh University, District - Gaya.
2. Lalu Yadav, Son of Doman Yadav, Resident of village - Dadpur, Police Station - Magadh University, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Magadh University P.S. Case No.147 of 2022 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 506 of the Indian Penal Code.

11 persons variously armed with *Lathi*, *Danda*, *Khanti* and iron rods, including these two petitioners, have assaulted the prosecution party.

Learned counsel for the petitioners submits that there was a free-fight between the two parties, giving rise to the instant case as well as the counter case, namely, Magadh



University P.S. Case No.148 of 2022. Both parties have sustained injuries. Against petitioner no.1, there is an allegation of assault upon the informant. The injury has been found to be simple in nature. Against petitioner no.2, there is nothing more than general and omnibus allegation. Petitioner No.1 and 2 have been implicated in three cases. Petitioner No.2 has already been acquitted in these cases and Petitioner No.1 has been acquitted in two out of three cases, as per disclosure made in paragraph 3 of the bail petition. Petitioner no.1 is in custody since 17.06.2022 and petitioner no.2 since 23.06.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the subsisting dispute between the parties, manifest from case and counter case as also the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of Md. Aizal Khan, learned Judicial Magistrate-1st



Class, Gaya, in connection with Magadh University P.S. Case
No.147 of 2022, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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