

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3509 of 2022**

Arising Out of PS. Case No.-140 Year-2022 Thana- BAUNSI District- Banka

- 
1. ASHOK YADAV S/O MAHABIR YADAV Resident of village- Barmasiya, P.S.- Bounsi, District- Banka,
  2. VIKASH YADAV @ BIKASH YADAV S/O MAHABIR YADAV Resident of village- Barmasiya, P.S.- Bounsi, District- Banka,
  3. SHIV JAY YADAV @ SHIBJAY YADAV S/O LATE PANCHU YADAV @ PANCHU MANDAL Resident of village- Barmasiya, P.S.- Bounsi, District- Banka,
  4. BIJAY YADAV @ VIJAY YADAV S/O SUKHDEO YADAV @ SUKDEO YADAV Resident of village- Barmasiya, P.S.- Bounsi, District- Banka,
  5. PINTU YADAV S/O SUKHDEO YADV @ SUKDEO YADAV Resident of village- Barmasiya, P.S.- Bounsi, District- Banka,

... .. Appellant/s

Versus

1. The State of Bihar
2. HOPANLAL HEMBRAM S/O LATE LAKHAN HEMBRAM Resident of village- Sahupokhar, P.S.- Bounsi, District- Banka,

... .. Respondent/s

---

**Appearance :**

|                         |   |                         |
|-------------------------|---|-------------------------|
| For the Appellant/s     | : | Mr. Balram Kapri        |
| For the Respondent no.1 | : | Mr. Sadanand Paswan     |
| For the Respondent no.2 | : | Mr. Sudhir Kumar Mishra |

---

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
ORAL ORDER

3      18-01-2023                      Heard Ld. counsel for the appellants, Ld. APP for the State and Ld. Counsel for the informant.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order dated 23.09.2022, passed by the Ld. Additional Sessions Judge 1<sup>st</sup>, Banka, in connection with Bounsi P.S. Case No. 140 of 2022, registered for the offences punishable under Sections 341,



323, 307, 325, 504, 506 and 34 of the Indian Penal Code and under Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, whereby bail has been denied to the appellant.

The prosecution case as emerges from the FIR is that when the informant and his family members were eradicating the plant of plash bushes by JCB on his land, the accused-appellants came there with their associates and said that the land belongs to them, so, they told them to stop the ongoing work and thereafter on protest of the informant, all the accused persons started assaulting them. Due to which they sustained injuries.

Ld. Counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that injury found simple as per the postmortem report. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellants have been languishing in jail since 12.09.2022.



It has also been stated in paragraph no. 3 of the appeal that the appellants have no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellants have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for informant vehemently opposes the prayer of the appellants for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 23.09.2022, passed by Ld. Additional Sessions Judge 1st, Banka, and directing the appellants to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge 1st, Banka, in connection with Bounsi P.S. Case No. 140 of 2022, **after framing of charge, if not already framed** on the following conditions:

(i) The appellants will make themselves available for interrogation by a police officer/court as and when



required.

(ii) The appellants will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The appellants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellants have any criminal antecedents, Ld. trial court shall cancel the bail bonds of the appellants after hearing them and getting satisfied that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellants.

Ld. counsel for the appellants is directed to remove



all the defects, if any, 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)**

ramesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

