

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66822 of 2022

Arising Out of PS. Case No.-219 Year-2020 Thana- PARAIYA District- Gaya

-
1. Ajay Yadav, S/O Late Shivan Yadav, Resident of village- Kosdihihra, P.S.- Paraiya, District- Gaya.
 2. Devanti Devi @ Demanti @ Demanti Devi, W/O Ajay Yadav, Resident of village- Kosdihihra, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Seema Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mrs. Kumari Seema Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Paraiya P.S. Case No. 219 of 2020 registered for the offences punishable under Sections 341, 323, 504, 307 / 34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant, alleging therein, that while the informant was



sitting at his darwaja, he saw that co-accused “Kail Yadav” was indulged in abusing “Dinesh Yadav”, whereupon, the informant went to pacify the matter, in the meanwhile, co-accused “Birendra Yadav” assaulted him on his head due to which he fell down and thereupon petitioner no. 1 assaulted the informant by means of *lathi* and allegedly the petitioner no. 2 snatched the golden Jitiya from the neck of the mother of the informant.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that specific allegation of assault over the head of the informant has been levelled against the co-accused “Birendra Yadav” and so far the petitioner nos. 1 and 2 are concerned, it is alleged that they assaulted the informant by means of *lathi* and snatched the golden Jitiya of his mother, however, the injuries except the head injury, which is attributed to the co-accused “Birendra Yadav”, found to be simple in nature. It is further submitted that there is a counter version of the present occurrence and in fact on account of some land dispute, a free fight has taken place between both the parties resulting into the injuries to the members of both the sides, however, the prosecution has failed to explain the injuries sustained to the members of the petitioners. It is next submitted that the petitioners are persons



of fair antecedent and they are in custody since 17.08.2022 and now the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation of assault and snatching of golden Jitiya has been levelled against the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the present FIR has been instituted in the background of the land dispute where there is a counter version being Paraiya P.S. Case No. 218 of 2020, apart from the fact that the petitioners having fair antecedent and are in custody for over a period of six months, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Paraiya P.S. Case No. 219 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

