

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68143 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- SIKRAUL District- Buxar

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1. Murli Yadav @ Murari Yadav Son Of Ramekbal Yadav
 2. Munna Yadav Son Of Gupteshwar Yadav
 3. Babua Yadav Son Of Gorakh Yadav
 4. Ramekbal Yadav Son Of Late Kudan Yadav
 5. Vijai Yadav Son Of Gupteshwar Yadav
 6. Gorakh Yadav Son Of Late Sudarshan Yadav
 7. Gupteshwar Yadav Son Of Late Sudarshan Yadav
 8. Ramji Yadav Son Of Late Teju Yadav
 9. Lalan Yadav Son Of Late Kudan Yadav
- All 1 to 9 petitioners are Residents Of Village - Mishrawalia, Ps- Sikraul,
Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.1, namely, Murli Yadav @ Murari Yadav.

2. Permission is accorded.

3. This application is dismissed as withdrawn with respect to petitioner No.1, namely, Murli Yadav @ Murari Yadav.

4. Heard Mr. Om Prakash Upadhyay, learned counsel



for the petitioner Nos. 2 to 9 and Mr.Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Sikraul P.S.Case No.75 of 2023, FIR dated 25.07.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 504 of the Indian Penal Code.

6. The prosecution case, in short, is that the informant alleges that on 24.07.2023 petitioner Ramekbal Yadav came and started abusing and unplugged wire of motor and thereafter all the petitioners also started abusing him. Thereafter, co-accused Murli Yadav assaulted upon his head by Rama, due to which he sustained injury on head and blood started oozing and he fell down on the ground. Co-accused, person, namely, Harendra Yadav also started assaulting to him by lathi and danda.

7. Learned counsel for the petitioners submits that petitioner No. 9 have carries one more case other than the present one but he is on bail in the said case and petitioner Nos.2 to 8 have clean antecedent. Further submits that due to admitted land dispute the present occurrence had taken place and from a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part there is general and omnibus allegation



against all the accused persons and in the 2nd part there is specific allegation against co-accused persons, namely, Murli Yadav @ Murari Yadav and Harendra Yadav that they assaulted to the informant and his nephew and there is no accusation of any assault or overt-act attributed against the petitioners and there is case and counter case between the parties.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Buxar in connection with Sikraul P.S. Case No.75 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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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