

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73449 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- MANPUR District- West Champaran

1. VINOD YADAV @ MANOJ YADAV @ VINOD KUMAR YADAV S/o Shubnarayan Yadav R/v- Bairia, Damrapur, P.S.- Sauhadra, District- West Champaran
2. LALU YADAV @ SUJEET KUMAR YADAV S/o Ramachandra Yadav @ Ramchandra Yadav R/v- Bairia, Damrapur, P.S.- Sauhadra, District- West Champaran
3. AJIT KUMAR YADAV @ JHOTIL YADAV S/o Ramachandra Yadav @ Ramchandra Yadav R/v- Bairia, Damrapur, P.S.- Sauhadra, District- West Champaran
4. ABHAY YADAV @ ABHYANAND YADAV S/o Brijabal Yadav R/v- Bairia, Damrapur, P.S.- Sauhadra, District- West Champaran
5. MANAGER YADAV @ MAINJAR YADAV S/o Late Rajdev Yadav R/v- Bairia, Damrapur, P.S.- Sauhadra, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Manpur P.S. Case No. 98 of 2022 (G.R. No. 2541 of 2022), registered for the offence punishable under Sections 323, 341, 324, 307, 325, 379 and 120(B) of the Indian Penal Code.

The case of the prosecution, in brief, is that on the alleged



date and time of occurrence, the accused persons had started ploughing the land in question by means of a tractor and when the informant had arrived there and objected to the same, they had assaulted the informant and his family members.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that though the petitioners are having some criminal antecedents, however, the said cases have been instituted by the agnates of the petitioners, but, the petitioners are on bail in all the said cases. It is further submitted, by referring to paragraph no. 14 of the present petition that the injury, received by the injured persons belonging to the prosecution side, have been found to be simple in nature. It is also submitted that some other cases have also been lodged in connection with the alleged occurrence and the alleged occurrence in an outcome of land dispute amongst the parties. Lastly, it is submitted that the petitioners are ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, considering the materials available on record and taking into account the fact that a general and omnibus allegation has been levelled against the petitioners and no allegation of any sort of specific overt act has been made qua the petitioners, apart from the fact that the injuries, found on the members of the prosecution party, who were injured in the said occurrence, have been stated to be simple in nature, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, subject to verification of the injury report by the learned Trial Court and subject to certain conditions.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Judicial Magistrate, West Champaran, in connection with Manpur P.S. Case No. 98 of 2022 (G.R.No. 2541 of 2022), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



It is further directed that the petitioners shall mark their attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of anticipatory bail, being granted to the petitioners herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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