

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7054 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Bultu Yadav @ Manoj Yadav @ Manoj Kumar
2. Mukesh Yadav @ Mukesh Kumar
3. Rupesh Yadav @ Rupesh Kumar
All S/o Late Janardan Yadav R/o Village - Deohari, P.S. - Barhara, Dist. - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Jha, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr.Manoj Jha, learned counsel for the petitioners, learned counsel for the informant and Mrs.Anita Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barhara P.S. Case No. 369 of 2023, corresponding to G.R.No.5819 of 2023, FIR dated 29.10.2023, registered for the offences punishable under Sections 147,149,341,342,323,325,327,386,504,506 of the Indian Penal Code.

3. Due to land dispute, the petitioners have assaulted to the nephew of the informant causing injury on his leg.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the land in question purchased by the petitioner's mother from one Vijay Kumar Jaiswal through registered sale deed dated 04.12.2018 and the informant's side are aggressor and they have entered into the land of the petitioners and due to this reason the present occurrence had taken place and although there is allegation against the petitioners that they have assaulted to the nephew of the informant and the nephew of the informant has received injury and the injury report of the nephew of the informant suggests that the injury is grievous in nature but from a bare perusal of the injury report it appears that due to fracture in leg the injury is grievous in nature which is not on the vital part of the body of the injured person.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR and they have assaulted to the informant and his family



members.

6. Considering the aforesaid facts, petitioners have clean antecedent, due to admitted land dispute the present occurrence had taken place and the injury report of the injured person is grievous in nature but the same is not on the vital part of the body of the injured person, 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 A.C.J.M.-II, Purnea in connection with Barhara P.S. Case No. 369 of 2023, corresponding to G.R.No.5819 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 bond 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 antecedent, 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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