

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7565 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- BAGHA District- West Champaran

1. Domai Yadav Son of Late Lalu Yadav Resident of Village- Rajwatiya, Police Station- Bagaha, District- West Champaran
2. Gamha Yadav Son of Late Mohan Yadav Resident of Village- Rajwatiya, Police Station- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bagaha P.S. Case No. 382 of 2023 registered under Sections 341, 323, 307, 447, 354 and 504/34 of the Indian Penal Code lodged on 04.06.2023 by the informant, Mantu Yadav.

3. As per the prosecution story, the accused persons named in the FIR came to their place and later at the instigation of the petitioner no. 1, Mantu Yadav assaulted the husband of



the informant on the place where a surgery had taken place a month ago. Further allegation is against Gamha Yadav (petitioner no.2) and Pradeep Yadav of having caught hold of the informant's husband and tried to press his mouth causing unconsciousness. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the main allegation is against Mantu Yadav of assaulting on the belly of the informant's husband causing injury. So far as petitioner no.1 is concerned, he is alleged to be an order giver and petitioner no. 2 tried to press the mouth. He further submits that there is a counter case in which death occurred in the family.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the fact that the main allegation is against Mantu Yadav of assaulting the informant's husband on the belly where the surgery had taken place, so far as these petitioners are concerned, they are order giver and further allegation of pressing the mouth, this Court is inclined to grant him privilege of bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt



of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Bagaha, West Champaran in connection with Bagaha P.S. Case No. 382 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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