

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21114 of 2024

Arising Out of PS. Case No.-322 Year-2018 Thana- SUGAULI District- East Champaran

1. Bishun Dayal Yadav S/O- Rambachan Yadav
 2. Santosh Yadav S/O- Rambachan Yadav
 3. Ram Dayal Yadav S/O- Rambachan Yadav
 4. Saroj Yadav S/O- Ganga Yadav
 5. Manoj Yadav S/O- Ganga Yadav
- All R/O- Village- Srikhindi, P.S.- Sugauli, Dist.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21160 of 2024

Arising Out of PS. Case No.-322 Year-2018 Thana- SUGAULI District- East Champaran

1. MAYA DEVI Wife of Rambachan Yadav
 2. GANGA YADAV Son of Late Harichan Yadav
 3. GAURI DEVI Wife of Ganga Yadav
 4. RAMBACHAN YADAV @ RAM BACHCHAN YADAV Son of Late Devi Yadav.
- All are Resident of Village-Srikhindi, P.S.-Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21114 of 2024)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 21160 of 2024)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024

Heard Mr.Abhishek Kumar, learned counsel for the



petitioners and Mr.Pramod Kumar Pandey,learned Additional Public Prosecutor for the State in both the applicaitons.

2. The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No.322 of 2018, FIR dated 25.07.2018, registered for the offences punishable under Sections 341,323,324,307,379,504,506,34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant Ram Pravesh Yadav has filed a written petition before SHO. Sugauli Police Station stating therein that on 24-07-2018 at about 09:30 AM. all the above named nine petitioners-accused forming an unlawful assembly and holding weapons in their hands cane at the door of the informant and started abusing the informant in filthy language. When the informant protested it, accused Ganga Yadav ordered to kill the informant and all the accused persons started assaulting the informant with Lathi, Farsa and Bhala. In the meantime accused Ram Bachchan Yadav assaulted the informant on his leg with lathi, due to which right leg of the informant became fractured. Accused Saroj Yadav inflicted Farsa blow on the head of the informant causing cut and bleeding injury. When the informant cried, his mother Sukhal Devi came to save the informant and accused



Maya Devi and Gauri Devi grabbed hair of the informant's mother and dashed her on the ground and accused persons assaulted her with leg and fat on her abdomen and back. In the mean-time accused Shiv Dayal Yadav snatched her silver Hasuli worth Rs. Twenty Thousand. Accused Manoj Yadav inflicted Farsa blow on the head of the informant's mother Sukhal Devi causing cut and bleeding injury. When hearing noise nearby persons rushed there, accused Ganga Yadav and Ram Dayal Yadav opened firing from country made pistol, but the shot became misfired. In the mean-time accused Santosh Yadav entered in the house of the informant and took away cash Rs 40,000/- and ornaments worth Rs.50,000/- from the Almirah. The injured were treated in Primary Health Center, Sugauli and from where the informant was referred to Sadar Hospital, Motihari for better treatment.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that 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 including the petitioners and in 2nd part, there is specific allegation of assault is attributed against co-accused,



persons, namely, Ram Bachhan Yadav and Saroj Yadav, although, the informant has received the injury and the injury report of the informant suggests that one injury is simple in nature and second injury is grievous in nature but from a bare perusal of the injury report it appears that due to fracture in leg of the informant the injury is grievous in nature which is not on the vital part of the body of the informant.

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

6. 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, Motihari, East Champaran (Cr.Misc.No.21114 of 2024)/ learned Judicial Magistrate, Motihari, East Champaran (Cr.Misc.No.21160 of 2024) in connection with Sugauli P.S. Case No.322 of 2018, 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)

Nitesh/-

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

