

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21388 of 2024

Arising Out of PS. Case No.-517 Year-2023 Thana- MADHEPURA District- Madhepura

1. Ashok Kumar Yadav @ Ashok Yadav SON OF Yadunandan Yadav Village- Bhirkhi, Ward No. 23, P.S.- Madhepura, District- Madhepura
2. ABHINAV KUMAR SON OF ASHOK KUMAR YADAV @ ASHOK YADAV Village- Bhirkhi, Ward No. 23, P.S.- Madhepura, District- Madhepura
3. KIRAN DEVI WIFE OF ASHOK KUMAR YADAV @ ASHOK YADAV Village- Bhirkhi, Ward No. 23, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Madhepura P.S. Case No. 517 of 2023 for the offence under sections 341, 323, 327, 385, 504, 506 and 34 of the I.P.C. lodged on 05.07.2023 by the informant, . Shiv Sagar Mahto.

3. As per the prosecution story, the informant alleged that due to land dispute the accused persons armed variously came and after abuse, assaulted. Both the petitioner nos. 1 and 2 tried to choke the neck of the informant and only upon the alarm raised by the family members, he was spared.

Accordingly the FIR.

4. Learned counsel for the petitioner submits that there is a land dispute and the Title suit no. 227 of 2023 is pending before the competent Civil Court. Further, there is no injury sustained by the informant. The last submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer stating that there is allegation of pressing the neck of the informant.

6. Taking into account the submissions as made aforesaid, none of the petitioner has criminal antecedent, a Title suit is pending and as per the averment made in para 8 there is no injury to the informant.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura P.S. Case No. 517 of 2023 subject to the conditions 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 their 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 their 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 the 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 their bail bonds.

(Rajiv Roy, J)

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