

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30204 of 2024

Arising Out of PS. Case No.-684 Year-2023 Thana- BAGHA District- West Champaran

1. Sheshnath Yadav son of Shambhu Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
2. Rajan Yadav @ Rajan Prasad Yadav son of Shambhu Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
3. Shambhu Yadav son of Late Banwari Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
4. Sudama Yadav son of Late Banwari Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
5. Parmod Yadav @ Pramod Yadav son of Sudama yadav Village- Pakargawn Police station- Bagaha District- west Champaran
6. Vikash Yadav son of Sudama Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
7. Vinod Yadav son of Late Kuber Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
8. Dil Raj @ Dilraj Yadav @ Raj Kumar Yadav son of Sheshnath Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
9. Lalbabu Yadav son of Late Kuber Yadav Village- Pakargawn Police station- Bagaha District- west Champaran
10. Chhabila Yadav son of Bagar Yadav Village- Pakargawn Police station- Bagaha District- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate Mr. Avinash Raj, Advocate
For the Informant	:	Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-05-2024 Heard learned counsel for the petitioners; learned



counsel for the informant and learned A.P.P. for the State.

2. At the outset, learned counsel for the petitioners submits that in view of arrest of the petitioner no. 10, during pendency of the present application, the same has become infructuous in so far as it relates to petitioner no. 10.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn in so far as it relates to petitioner no. 10.

4. The petitioners apprehend arrest in connection with Bagaha P.S. Case No. 684 of 2023 dated 29.09.2023, instituted for the offence punishable under Sections 341, 323, 384, 504, 506/34 of the Indian Penal Code.

5. The prosecution case, in short, is that, all the accused persons named in the F.I.R. armed with lathi, danda and other weapons went to the field, where informant was working and they started assaulted him and other labourers. When the informant raised objection, all the accused persons caught hold of him and assaulted with fists. It has been further alleged that with an intention to commit murder and create havoc of fear and chaos, Sheshnath Yadav (petitioner no. 1) and Shambhu Yadav (petitioner no. 3) told the informant to give Rs. 2,00,000/- as expenses of cases from his landlord, if he wants to have



possession of land. They further threatened to kill the informant and his landlord, if they do not pay said amount.

6. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the case is purely civil in nature as the land under dispute is in the name of petitioner no. 1 (Sheshnath Yadav) and petitioner no. 5 (Pramod Yadav) against whom Jamabandi has also been created and they are paying revenue to the Government of Bihar. It is further submitted that petitioners have been made accused in the present case only due to their criminal antecedents. Lastly, it has been submitted that the petitioner no. 1 has 11 criminal cases against him, petitioner no. 2 has 10 criminal cases against him, petitioner no. 3 has 4 criminal cases against him, petitioner no. 4 has 2 criminal cases against him, petitioner no. 5 has 3 criminal cases against him, petitioner no. 6 has no criminal case against him, petitioner no. 7 has 3 criminal cases against him, petitioner no. 8 has 1 criminal case against him, petitioner no. 9 has 7 criminal cases against him.

7. Learned A.P.P. as well as learned counsel for the informant vehemently opposed on the ground that the accused/petitioners have several criminal cases against them.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bagaha P.S. Case No. 684 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds 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, District- West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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