

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35535 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BALIYA District- Begusarai

- 1. Bilaiti Yadav @ Vilayati Yadav Son Of Jilebi Yadav Resident Of Village- Bari Ballia, P.S. - Ballia, District- Begusarai.
- 2. Pankaj Yadav Son Of Bilaiti Yadav Resident Of Village- Bari Ballia, P.S. - Ballia, District- Begusarai.
- 3. Shashidhar Yadav Son Of Foter Yadav Resident Of Village- Bari Ballia, P.S. - Ballia, District- Begusarai.
- 4. Murari Yadav Son Of Foter Yadav Resident Of Village- Bari Ballia, P.S. - Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Ballia P.S. Case No. 38 of 2024 registered for the alleged offences under Section 341, 323, 325, 307, 379, 354 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons assaulted the informant during a *Panchayat*. They also snatched a gold locket from the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The entire prosecution story is false and fabricated. The

informant side assaulted the petitioner no. 2 and his family members including his wife for which Ballia P.S. Case No. 63 of 2024 has been lodged though after much delay since the S.H.O., Ballia was in collusion with the informant side. Learned counsel further submits that there can be no application of Section 307 of the Indian Penal Code in the present case and allegation of offences under Section 379 and 354 of the Indian Penal Code are super addition. Other offences are bailable in nature. It is evident from the F.I.R. that there was no intention to cause death of the informant and Tufani Yadav and so no offence under Section 307 of the Indian Penal Code is made out. There is no specific allegation against the petitioner nos. 1-4. Petitioner no. 1 is stated to be order giver and allegation against petitioner nos. 2-4 was general and omnibus. The injury report of Tufani Yadav and Ranjeet Radav(informant) shows the injuries are superficial and non-serious and have been stated to be simple in nature. Learned counsel further submits that petitioner nos 1, 2 & 4 are having criminal antecedent and all these cases are from the year 2017 and petitioners could not be said to be habitual offenders.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that the petitioners are having criminal antecedent except petitioner no. 3.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering non-serious nature of injuries of the victims, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Begusarai in connection with Ballia P.S. Case No. 38 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

anuradha/-

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