

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37101 of 2024

Arising Out of PS. Case No.-519 Year-2022 Thana- NARPATGANJ District- Araria

1. Baijnath Yadav @ Baidhnath Yadav Son of Kashinath Yaadav Resident of Village - Nathpur, Ward No- 05, P.S- Narpatganj, Dist- Araria
2. Navjeevan Anand Son of Baijnath Yadav @ Baidnath Yadav Resident of Village - Nathpur, Ward No- 05, P.S- Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40164 of 2024

Arising Out of PS. Case No.-519 Year-2022 Thana- NARPATGANJ District- Araria

Munna @ Surendra Yadav @ Surendra Prasad Yadav S/o Late Shivanand Yadav Resident of Village Nathpur, Chapra, Tola Ward No. 5, P.S.- Narpatganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37101 of 2024)

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

For the Informant : Mr. Chandra Mohan Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 40164 of 2024)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2024 Heard Mr. Raj Kumar, learned counsel for the

petitioner and Mr. Chandra Mohan Jha representing the

informant as also learned APP are in Cr. Misc. No. 37101 of

2024 (Baijnath Yadav @ Baidhnath Yadav & Anr. vs. State of



Bihar) while Mr. Suraj Samdarshi representing the petitioner in Cr. Misc. No. 40164 of 2024 (Munna @ Surendra yadav @ Surendra Prasad Yadav vs. State of Bihar).

2. The petitioners are in custody in connection with Narpatganj P.S. Case No. 519 of 2022 for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506, 34 and 302 of the Indian Penal Code lodged on 22.11.2022 by the informant, Ramnarayan Yadav.

3. As per the prosecution story, on 22.11.2022, the informant got information about cutting of trees on their land. Thereafter, the informant alongwith his son Rakesh Kumar Yadav and Bikash Kumar came on the place of occurrence and protested against the petitioners and other co-accused for cutting the trees.

4. Infuriated by that and on the order of Keshwar Yadav, Sanjay Yadav, Santosh Yadav and Rajeev Yadav assaulted the informant's sons Rakesh Yadav and Bikash Kumar by giving of '*farsa*' blow causing injuries and both fell down. Later, other accused persons assaulted them by '*lathi*' blow. It was further alleged that the accused persons also committed theft by taking away Rs. 5 lakhs from another son Ranjan Kumar, who had come on the spot on hearing '*hulla*'.



Accordingly, the FIR.

5. It has been jointly submitted by the learned counsels for the petitioners that earlier the Police submitted charge-sheet on 20.10.2023 while final form was submitted so far as the petitioners herein are concerned. He submits that the occurrence is of 22.11.2022 and one year and a month later, on 14.12.2023, the son of the informant died. It is not clear whether he succumbed to the original injuries or died of any illness.

6. However, after his death, the Police filed a request for further investigation under Section 173(8) of the Cr.P.C. which was allowed necessitating these bail applications. It is their submissions that the other accused persons who were named in the FIR were granted anticipatory bail vide an order dated 25.05.2023 in Cr. Misc. No. 18004 of 2023 considering that there is a case and counter case. Further, the submission is that petitioners in both the cases are in custody since 22.03.2024, none of them have any criminal antecedent and if granted bail, they will be cooperating in the investigation/diligently appearing in trial.

7. Learned counsel for the informant on the other hand submits that earlier, the situation was different inasmuch as Section 307 of the Indian Penal Code was there. Subsequently, a



year later, he died which followed fresh investigation and now their names have come and as such are not entitled to bail.

8. Taking into account the aforesaid submissions as also the fact that death has occurred one year later, in the meantime, the police submitted final form against these petitioners, they do not have criminal antecedent and are in custody since 22.03.2024, further undertake to cooperate in the investigation/appear in trial, this Court is inclined to extend them the privilege of bail with conditions.

9. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Araria, in connection with Narpatganj P.S. Case No. 519 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 month for one year 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)

Adnan/-

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