

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40400 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- BELDOUR District- Khagaria

1. Mukesh Yadav @ Mukesh Kumar S/O Naresh Yadav R/O Village- Kanjari (KENJARI), Ward No. 06, P.S- Beldour, Distt.- Khagaria.
2. Shivendra Yadav @ Shivjeet Yadav @ Shivendra Kumar S/O Late Bindeshwari Prasad @ Bindeshwari Yadav R/O Village- Kanjari (KENJARI), Ward No. 06, P.S- Beldour, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
	:	Mr. Nishant Choudhary, Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2024 Heard Mr. Madhav Jha, learned counsel for the petitioners and Mr. Shailendra Kumar, learned A.P.P. for the State.

2. Petitioners seek bail, who are in custody since 28.03.2024, in connection with Beldaur P.S. Case No. 189 of 2023 (GR No. 2571 of 2023), FIR dated 30.07.2023 registered for the offence under Sections 341, 323, 504, 506, 307, 324, 325, 448, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Petitioners along with other co-accused persons have assaulted to the informant and his family members.

4. Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are



innocent and they have falsely been implicated in this case. He further submits that from a bare perusal of the FIR it appears that due to admitted land dispute the present occurrence has taken place and both the parties are agnates to each other. He further submits that as per the allegation in the FIR it appears that petitioner no.1, namely, Mukesh Yadav @ Mukesh Kumar has assaulted on the head of the informant. He further submits that although the informant has received the injury but the injury report of the informant suggests that the injury is found simple in nature as far as allegation with regard to petitioner no.2 is concerned, there is no specific allegation of any assault or overt act is attributed against petitioner no.2. Petitioners are rotting in judicial custody since 28.03.2024.

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

6. Considering the facts and circumstances of the case, petitioners having clean antecedent, due to admitted land dispute the present occurrence has taken place and injury report of the injured person suggests that the injury is simple in nature, let the, above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, 1st Class, Khagaria in connection with Beldaur P.S. Case No. 189 of 2023 (G.R. No. 2571 of 2023) with the 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 canceled 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.

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 antecedent, the court below shall take step for cancellation of bail bonds 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)

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