

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45924 of 2024

Arising Out of PS. Case No.-734 Year-2023 Thana- TEKARI District- Gaya

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1. Mithlesh Yadav @ Mitlesh Yadav Son Of Sadhu Yadav Resident Of Village - Mahmanna, P.S. - Tekari, District - Gaya
 2. Pappu Yadav Son Of Sadhu Yadav Resident Of Village - Mahmanna, P.S. - Tekari, District - Gaya
 3. Mukesh Yadav Son Of Sadhu Yadav Resident Of Village - Mahmanna, P.S. - Tekari, District - Gaya
 4. Brajesh Yadav @ Brijesh Kumar Yadav Son Of Sadhu Yadav Resident Of Village - Mahmanna, P.S. - Tekari, District - Gaya
 5. Chandan Kumar @ Chandu @ Chandu Kumar Son Of Sailesh @ Sharwan Yadav @ Sharwan Ji Resident Of Village - Mahmanna, P.S. - Tekari, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sharma, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Tekari P.S. Case No. 734 of 2023 for the offence under Sections 147, 341, 323, 307, 354, 379, 504 and 506 of the I.P.C. lodged on 07.12.2023 by the informant, Shyamdev Yadav.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and

assaulted him, as also his family members and further outraged the modesty of the daughter of the informant. This caused injury in the hand of the informant's son. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that both are agnates, there is case and counter case and the accused side have also suffered injuries, as they belong to the same family, good sense prevailed upon them and they want to wind-up the matter. Coming to the merit of the case, he submits that omnibus allegation is there and the injuries have not been found to be grievous.

5. Learned APP opposes the prayer submitting that there may be case and counter case but there is allegation of assault upon the petitioners herein and they have criminal antecedents.

6. Taking into account the aforesaid submissions that there is land dispute between the parties, case and counter case, injury has not been found to be grievous in nature, omnibus allegation is there against the accused persons.

7. Let the petitioners be released on bail in the

event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Gaya in connection with Tekari P.S. Case No. 734 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 his 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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