

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47132 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- CHANDAUTI District- Gaya

1.

Mahesh Yadav Son Of Late Mangar Yadav Village- Habbipur, P.S.- Chandauti, Distt.- Gaya
2.

Barun Yadav Son Of Satyendra Yadav @ Satendra Yadav Village- Habbipur, P.S.- Chandauti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned counsel for the parties.

2. The petitioners seek regular bail, who is in custody in connection with Chandauti P.S. Case No. 129 of 2024 registered for the offences punishable under Sections 307, 448, 341, 323, 325, 379 and 34 of the Indian Penal Code.

3. Allegedly, while the informant's husband was at his service place in Mugalsarai in the meantime, all the FIR named accused persons including the petitioners entered into her house and committed theft. Apart from the allegation of theft it is also alleged that the petitioners have actively participated and assaulted Chandan Kumar and Manish Kumar due to which both of them have sustained serious injury.

4. Learned advocate for the petitioners contended that in fact both the parties are co-villagers and there is long-standing



enmity due to which scuffle took place between them resulting into injuries to persons of both the side. There is counter version of the present case being Chandauti P.S. Case No. 128 of 2024 which has been instituted by the petitioner no. 1. In the aforenoted FIR the petitioner No. 1 have also sustained grievous injuries. Referring to the FIR, learned advocate for the petitioners also contended that the allegation of causing lathi blow is made against two persons and it is not specific that who assaulted the injured Chandan Kumar. Apart from the aforesaid submissions learned advocate for the petitioners also contended that the petitioners having one criminal antecedent however, in which they are on bail. Now the petitioners are in custody since 28.03.2024.

5. On the other hand, learned counsel for the State opposed the bail application and submits that both the petitioners have brutally assaulted the family members of the informant resulting into grievous injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the fact that persons of both the sides have sustained injury but the prosecution has failed to explain the injury caused by the petitioner No. 1, let the petitioners above



named 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 the learned C.J.M- Gaya in connection with Chandauti P.S. Case No. 129 of 2024 subject to the conditions :

i) The petitioners will cooperate in conclusion of the trial.

(ii) The petitioners will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner(s). However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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