

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52247 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- SAHPUR District- Bhojpur

1. Shiv Bachan Yadav S/o Shiv Kumar Yadav R/o vill - Kante, P.S. - Brahmpur, Distt. - Buxar
2. Laxaman Yadav @ Lakshuman Yadav S/o Late Durjan Yadav @ Gorjan Yadav R/o vill - Kante, P.S. - Brahmpur, Distt. - Buxar
3. Bhagwat Yadav S/o Bhola Yadav R/o vill - Kante, P.S. - Brahmpur, Distt. - Buxar
4. Heera Yadav S/o Shiv Yadav R/o vill - Kante, P.S. - Brahmpur, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Sarveshwar Tiwary, learned counsel for the petitioners and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submit that during the pendency of the present bail petition, Petitioner No. 3, namely, Bhagwat Yadav has been arrested. So, the present bail petition with respect to Petitioner No. 3 has become infructuous. Hence, he seeks permission to withdraw this bail petition with respect to Petitioner No.3.

3. Permission is accorded.

4. Accordingly, this bail petition stands dismissed as



withdrawn with respect to Petitioner No. 3, namely, Bhagwat Yadav.

5. The petitioners (except Petitioner No. 3) are apprehending their arrest in connection with (Bhojpur) Sahpur P.S. Case No. 155 of 2024, F.I.R. dated 17.04.2024 for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including petitioners assaulted the informant and his family members with deadly weapons. It is also alleged that Guddu Yadav assaulted the informant's brother on his head with iron rod due to which he sustained injury.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that on the perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act against these petitioners rather there is specific allegation of assault attributed against the co-accused person namely Guddu Yadav.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.



9. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act against these petitioners,, let the petitioners (except Petitioner No.3), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Bhojpur in connection with Sahpur P.S. Case No. 155 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 bond 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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