

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52217 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- CHOUTARWA District- West Champaran

1. Kanhaiya Yadav Son of Sudama Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
2. Daroga Yadav Son of Late Inar Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
3. Bahadur Yadav Son of Late Inar Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
4. Shobha Yadav @ Shobhi Yadav Son of Daroga Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
5. Mankesh Yadav Son of Daroga Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
6. Virendra Yadav Son of Sudama Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran
7. Banai Yadav Son of Sudama Yadav Resident of Village - Garib Shahi, Ward No. 8, P.S. - Bagaha, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioners as well as Mr. Md. Fahimuddin, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chautarwa (Bathwariya) P.S. Case No. 52 of 2024, F.I.R. dated 24.02.2024 for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 506, 379 and 34 of the



Indian Penal Code.

3. According to prosecution case, due to land dispute, petitioners assaulted the informant and other persons including Savaru Yadav. They also threatened the informant to kill him and snatched Rs. 1440 from the pocket of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from the perusal of the F.I.R., it appears that due to land dispute the petitioner has been implicated in this case. There is case and counter case. Although there is specific allegation against Petitioner No. 1 that he has assaulted Savaru Yadav by means of sharp cut weapon, but injury report of Savaru Yadav suggests that the injury is simple in nature, and so far as the other petitioners are concerned, there is general and omnibus allegation against all the accused persons.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is case and counter case, let the petitioners, 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, Bagaha, West Champaran in connection with Chautarwa (Bathwariya) P.S. Case No. 52 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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