

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65870 of 2024

Arising Out of PS. Case No.-286 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Kundan Yadav @ Kundan Kumar Son of Kamleshwari Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
2. Kamleshwari Yadav Son of Late Satyanarayan Yadav Village Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
3. Pappu Yadav @ Pappu Kumar Son of Kamleshwari Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
4. Chandan Yadav @ Chandan Kumar Son of Kamleshwari Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
5. Rikesh Kumar @ Ritesh Kumar Son of Mahendra Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
6. Dharmendra Yadav Son of Late Dinesh Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
7. Mahendra Yadav Son of Late Satyanarayan Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
8. Nitesh Yadav @ Nitish Kumar @ Nitish Yadav Son of Sanjay Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
9. Sanjay Yadav Son of Late Satyanarayan Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa
10. Ashok Yadav Son of Late Satyanarayan Yadav Resident of Baijnath Patti, P.S.- Saharsa Sadar, Distt.- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Satish Kumar Singh, the learned counsel
for the petitioners and Mr. Tarun Prasad Mandal, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Saharsa Sadar PS Case No. 286 of 2024, FIR dated 21.03.2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons were cultivating the land of the informant and when he objected to the same, they assaulted the informant and his family members. It is further alleged that Ashok Yadav gave kudal (*spade*) blow on the head of informant and also snatched golden chain from him.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that due to admitted land dispute the present occurrence has taken place and the present case is the counter blast of Saharsa Police Station Case No. 285 of 2024. He lastly submits that although there is specific allegation against these petitioners that they have assaulted to the informant and his family members, however, from perusal of the injury report of the injured persons suggests that all the injuries are simple in nature caused by hard and blunt substance.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and apart from that petitioner no. 2 carries one criminal antecedent other than the present one and petitioner no. 3 carries two criminal antecedents other than the present one, however, he fairly admits that both petitioner nos. 2 and 3 are on bail in the pending matters and rest of petitioners have clean antecedents.

6. Considering the aforesaid facts and circumstances and mainly the facts that due to admitted land dispute the present occurrence has taken place and injury inflicted upon the injured persons is found to be simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Saharsa, where the case is pending in connection with **Saharsa Sadar PS Case No. 286 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following



conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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