

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64621 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- SIMRI District- Buxar

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1. MUNNI YADAV S/O LATE NAGINA YADAV R/O VILLAGE-QUAZIPUR DUMRI, PS. SIMRI, DIST. BUXAR
 2. PINTU YADAV S/O MOHAN YADAV R/O VILLAGE-QUAZIPUR DUMRI, PS. SIMRI, DIST. BUXAR
 3. JIUT YADAV S/O MUNNI YADAV R/O VILLAGE-QUAZIPUR DUMRI, PS. SIMRI, DIST. BUXAR
 4. MAHESH YADAV S/O LATE BACHAN YADAV R/O VILLAGE-QUAZIPUR DUMRI, PS. SIMRI, DIST. BUXAR
 5. RAMESH YADAV S/O LAL BACHAN YADAV R/O VILLAGE-QUAZIPUR DUMRI, PS. SIMRI, DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 27-02-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Simri P.S. Case No. 189 of 2023 for the offence under sections 147, 149, 323, 341, 307 and 379 of the I.P.C. lodged on 08.06.2023 by the informant, Suresh Yadav.

3. As per the prosecution story, due to land dispute, the accused persons assaulted the informant side. The allegation against Pintu Yadav is of assaulting Harihar Yadav while Jieut Yadav and Muni Yadav assaulted Vinod Yadav causing injuries



to them. Accordingly, the FIR.

4. It is to be noted that so far as the petitioner nos. 4 and 5 namely, Mahesh Yadav and Ramesh Yadav are concerned, the petition against them stands withdrawn vide an order dated 17.10.2023 passed by a co-ordinate Bench.

5. Learned counsel for the petitioners submit that though there is allegation of assault against the accused persons, some injuries have been found to be simple in nature while others opinion was reserved and it is not the case that any of the injuries have been found to be grievous in nature and none of them have criminal antecedent.

6. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner nos. 1 to 3 on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totaling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

7. Learned APP opposes the prayer stating that with the common intention, they assaulted the informant side causing



injury.

8. Taking into account the submissions put forward by the parties as also the injury report and further, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to the payment of Rs. 5,000/- each (totaling Rs. 15,000/-) as undertaken by the learned counsel for the petitioners.

9. Let the petitioner nos. 1 to 3 namely, Munni Yadav, Pintu Yadav and Jiut Yadav be released on bail in the event of 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 Chief Judicial Magistrate, Buxar, in connection with Simri P.S. Case No. 189 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 his/her bona fide;

(ii) the petitioner nos. 1 to 3 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 petitioner nos. 1 to 3 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 1 to 3 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 petitioner nos. 1 to 3 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.

(Rajiv Roy, J)

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