

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79902 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. Ramdev Yadav Son of Late Bhumi Yadav Resident of Village-Rampur, Ward No. 13, Post-Rahua, P.S.-Sour Bazar, Dist.-Saharsa
2. Vikash Yadav Son of Ramdev Yadav Resident of Village-Rampur, Ward No. 13, Post-Rahua, P.S.-Sour Bazar, Dist.-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024

1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Sour Bazar P.S. Case No. 219 of 2021, registered for the offences punishable under Sections 341, 323, 324, 307, 384, 379, 504, 506/34 of the Indian Penal Code.

3. The allegation against above named petitioners is to assault informant alongwith other co-accused persons/family members and also to raise



demand of extortion money, where informant is a ward member, assault as alleged was made with intention to cause death of informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners were falsely implicated with present case out of local political disputes and differences. It is submitted that the thrust of allegation, as to cause physical assault is available against co-accused Arbind Yadav, Anil Yadav and Sublesh Yadav, where allegation against petitioners, who are none but the father and son, appearing very much ornamental as to drag informant from his field. It is submitted that allegation *qua* demanding extortion money is also appearing superficial in nature. While concluding the argument, it is submitted that petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid factual submissions and by taking note of fact as allegation *qua*



physical assault is not available against the petitioners, rather same is specifically available against co-accused persons, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa/ concerned Court, where the case is pending in connection with Sour Bazar P.S. Case No. 219 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

archana/-

U		T	
---	--	---	--

