

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2967 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. Nand Kumar Yadav Son of Radha Mohan Yadav Resident of Village- Bimawa, Police Station- Jagdishpur in the district of Bhojpur.
2. Bhola Yadav Son of Radha Mohan Yadav Resident of Village- Bimawa, Police Station- Jagdishpur in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Jagdishpur P.S. Case No. 350 of 2023 dated 15.08.2023 instituted for the offence punishable under Sections 341, 323, 324, 379, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 15.08.2023 at about 5 pm, the petitioner no. 1 assaulted the uncle of the informant with knife, which caused injury in his finger. Allegation against the petitioner no. 2 is that he along with other co-accused, namely, Nitish Kumar, abused and assaulted them. It is also alleged that petitioner no. 2 snatched the gold locket of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both parties are agnates. There is previous enmity between the petitioners and the informant due to land dispute. Learned counsel for the petitioners further submits that injury received by the Dhanji Yadav in his finger is simple in nature. There is no any injury on the vital part of the body. Learned counsel for the petitioner further submits that learned court below has rejected the bail application of the petitioners only on the ground that petitioners have four criminal antecedents. Lastly, it has been submitted that petitioners have four criminal cases against them.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jagdishpur P.S. Case No. 350 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the 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 on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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