

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73259 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- BIHIA District- Bhojpur

1. Kashinath Yadav @ Kashinath Singh Son of Late Lalmohar Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
2. Dinesh Yadav @ Dinesh Singh Son of Shivji Yadav @ Shiv Ji Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
3. Randhir Yadav @ Devendra Kumar Son of Kashinath Yadav @ Kashinath Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
4. Devesh Yadav @ Devesh Kumar Son of Kashinath Singh @ Kashinath Yadav R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
5. Pappu Yadav @ Satish Dhavan Singh @ Satish Dhawan Singh Son of Kashinath Yadav @ Kashinath Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
6. Dharmpal Yadav @ Dharmpal Kumar @ Dharmpal Singh Son of Awadesh Yadav @ Awadesh Kumar Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
7. Rajendra Yadav @ Rajendr Singh Son of Late Bhajan Yadav @ Bhajan Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur
8. Aman Yadav @ Aman Kumar Son of Dinesh Yadav @ Dinesh Singh R/O Vill.- Samardah, P.S.- Bihiya, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Prakash Sharma, Advocate
For the State	:	Mrs. Anita Kumari, APP
For the O.P. No.2	:	Mr. Diwakar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Uday Prakash Sharma, learned counsel

for the petitioners, Mr. Diwakar, learned counsel for the

opposite party no.2 and Mrs. Anita Kumari, learned counsel

appearing on behalf of the State.

2. The petitioners are apprehending their arrest in



connection with Bihiya P.S. Case No. 182 of 2024, F.I.R. dated 22.06.2024 for the offences punishable under Sections 147, 149, 323, 504, 307 and 379 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted to the informant and his family members.

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 the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that both the parties are agnates to each other and due to admitted land dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that although there is specific allegation against these petitioners that they have assaulted to the informant and his family members but injury report of the son of the informant suggests that the injury is found simple in nature caused by hard and blunt substance. He further submits that it appears from paragraph nos. 59 & 60 that prosecution has exonerated petitioner nos. 2, 4 & 8 on the ground that they were not present at the time of occurrence.

5. Learned counsel for the opposite party no.2 as well



as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent, there is case and counter case between the parties and injury inflicted upon the son of the informant is simple in nature, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 7th, Ara at Bhojpur in connection with Bihiya P.S. Case No. 182 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 2023 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 bonds 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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