

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89177 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- CHANDRAMANDI District- Jamui

1. Dwarika Yadav, aged about 51 years, Gender-Male, son of Late Jageshwar Yadav,
2. Lal Kishore Yadav, aged about 52 years, Gender- Male, son of Dhaneshwar Yadav,
Both resident of village- Budhwadih, PS -Chandramandi, District- Jamui
3. Kundan Yadav, aged about 27 years, Gender- Male, son of Trilochan Yadav,
resident of village- Hindolawaran, PS -Mohanpur, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Ashok Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioners; learned Additional Public Prosecutor for the State and learned counsel for the informant, who has appeared *suo motu*.

2. The petitioners apprehend arrest in connection with Chandramandi PS Case No.85 of 2024 dated 01.06.2024, instituted under Sections 323, 341, 308, 325, 504, 324, 379 and 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged date of occurrence the informant was going to Madhupur Bazar for opening his shop. When he reached near the school situated



in the village, the petitioners and other FIR named accused persons stopped his motorcycle and started abusing and assaulting him. The accused persons assaulted the informant by means of of *lathi*, *danda*, sword, spear, spade etc. due to which the informant sustained injuries on his hand and leg and fell down on the ground, petitioner no.3 is alleged to have snatched gold chain from his neck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties Counter case has been lodge by the wife of the petitioner no.1. Further submission is that there is no specific allegation against the petitioners, rather, allegation is general and omnibus. Further submission is that initially the doctor found six injuries on the person of the informant and opinion was kept reserved, however, on further report three injuries have been found to be grievous which are (i) injury of left tibia, (ii) injury of left radius and (iii) injury of right medial malleolus, but there is no mention of any fracture of any part of the body. The doctor has simply opined that all the above three injuries are grievous. Further submission is that petitioner no.2 is the full brother of the informant and petitioner nos. 1 and 3 are cousin. Lastly, it is



submitted that petitioner nos. 1 and 3 have no criminal antecedents, whereas three criminal cases are pending against the petitioner no.2.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail. Learned counsel for the informant submits that there is allegation that six persons assaulted the informant and the doctor has found six injuries on the person of the informant, which supports the allegation.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on 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 Judicial Magistrate, 1st Class, Jamui, in Chandramandi PS Case No.85 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i) that the 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) that one of the bailors will be



their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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