
(2021) 03 PAT CK 0011

In the Patna High Court

Case No : Criminal Miscellaneous No. 31924 Of 2020

Rajendra Yadav @ Rajendra Prasad Yadav And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 02-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 144, 149, 308, 323, 341, 354B, 379, 427, 448, 504, 509

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 PAT CK 0011

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Arun, Md. Arif

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing
2. Heard Mr. Arun, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the APP) for the State who has appeared as Ms. Nirmala Kumari, learned APP, who has been assigned the brief neither joined the proceeding nor did she pick up the phone of the Technical Assistance.
3. Learned counsel for the petitioners submitted that petitioners no. 1, 2, 4 and 5 namely, Rajendra Yadav @ Rajendra Pd. Yadav; Surya Narayan Yadav; Jai Kishore Kumar @ Jai Kishore Yadav and Sushil Kumar have been arrested and thus, he may be permitted to withdraw the application on their behalf.
4. In view thereof, as prayed for by learned counsel, the application on behalf of petitioners no. 1, 2, 4 and 5 namely, Rajendra Yadav @ Rajendra Pd.

Yadav; Surya Narayan Yadav; Jai Kishore Kumar @ Jai Kishore Yadav and Sushil Kumar stands withdrawn and is now restricted to petitioners no.

3, 6 and 7 namely, Arbind Kumar Yadav; Sanichari Devi and Sudhir Kumar Yadav @ Sudhir Yadav, respectively.

5. The petitioners no. 3, 6 and 7 apprehend arrest in connection with Supaul PS Case No. 82 of 2020 dated 06.02.2020, instituted under Sections 144, 149, 341, 323, 448, 427, 504, 509, 308, 354B, 379 and 509 of the Indian Penal Code.

6. The allegation against the petitioners no. 3 and 7 is general and omnibus of assault by fists and slaps whereas against petitioner no. 6 is of snatching the gold earring of the wife of the informant.

7. Learned counsel for the petitioners submitted that there is also a counter case for the same incident. It was submitted that though the incident is alleged to have been taken place on 01.02.2020 but the FIR was registered on 06.02.2020, after more than five days, for which there is no explanation. Learned counsel submitted that the petitioners no. 3, 6 and 7 have no criminal antecedent.

8. Learned APP submitted that there is allegation of assault and snatching of gold ornaments against the petitioners. However, he did not controvert that the same are general and omnibus.

9. 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 no. 3, 6 and 7 namely Arbind Kumar Yadav; Sanichari Devi and Sudhir Kumar

Yadav @ Sudhir Yadav, respectively, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of

the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Supaul PS Case No. 82 of 2020, subject to the conditions

laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners

no. 3, 6 and 7, (ii) that the petitioners no. 3, 6 and 7 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 3, 6, and 7

and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or non-

cooperation shall lead to cancellation of their bail bonds.

10. The application stands disposed off in the aforementioned terms.