

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.27324 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- BELAGANJ District- Gaya

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1. Binod Yadav Son of Musafir Yadav Resident of Village - Narayanpur, P.S. - Belaganj, District - Gaya.
 2. Rakesh Yadav S/O Satendra Yadav Resident of Village - Narayanpur, P.S. - Belaganj, District - Gaya.
 3. Yogendra Yadav S/O Mahabir Yadav Resident of Village - Narayanpur, P.S. - Belaganj, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-10-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Tapeshwar Sharma, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Belaganj P.S. Case No. 255 of 2019 registered for the offences punishable under Sections 147, 149, 447, 341, 323, 307, 302, 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the first information report it will appear that both the parties are co-villagers and they had some disputes over a petty issue whereupon it is alleged that all the accused persons came there and assaulted the deceased. The informant has alleged that co-accused Sadhu Yadav @



Bhim Yadav assaulted the father of the informant on his head whereas general and omnibus allegations is that all other accused were assaulting the father of the informant by lathi.

Learned counsel submits that so far as these petitioners are concerned, they are one amongst the accused against whom only general and omnibus allegations have been made. It is submitted that a learned co-ordinate Bench of this court has granted regular bail to the co-accused Tarun yadav @ Radhey Shyam Yadav in Cr. Misc. No. 22396 of 2020. The case of the petitioners stands on similar footing. It is further submitted that they have no criminal antecedent and they have remained in jail since 20.01.2020.

Learned APP for the State has though opposed the prayer of regular bail of the petitioners but is unable to demonstrate any specific allegation against them for commission of any overt act and further that the case of the petitioners stand on different footing than that of the co-accused who have been granted regular bail by a learned co-ordinate Bench of this Court, therefore, considering this aspect of the matter as there is no specific overt alleged against them on any vital part of the body and the only specific allegation is against co-accused Sadhu Yadav and the similarly situated co-accused have already been granted bail, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Gaya in connection with



Belaganj P.S. Case No. 255 of 2019 , subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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 steps for cancellation of bail bonds of the petitioners.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

