

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27974 of 2020**

Arising Out of PS. Case No.-184 Year-2019 Thana- MANPUR District- Nalanda

1. AWADHESH YADAV S/o Jathu Yadav Resident of Village-Sukhanandpur, Police Station-Manpur, District-Nalanda.
2. Kundan Yadav S/o Anil @ Anil Yadav @ Rudal Yadav Resident of Village-Sukhanandpur, Police Station-Manpur, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tej Narayan Singh, Adv.
For the Opposite Party/s	:	Mr.Ram Anurag Singh, APP
For the Informant	:	Mr.Uday Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-12-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

Petitioners in the present case are seeking regular bail in connection with Manpur P.S. Case No.184 of 2019 registered for the offences punishable under Sections 457, 323, 302, 383 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are own gotiyas of the informant and they have been made accused with sole intention to grab the landed property of the deceased. Learned counsel further submits that the deceased had no issue and he had not executed any deed of transfer of his share of land in favour of son of the informant, therefore these



petitioners had no reason to be aggrieved by the deceased and the motive as alleged that in order to grab the land of the deceased these petitioners along with other co-accused had pressed his neck are not substantiated from the materials collected in course of investigation. It is submitted that these petitioners are own gotiyas and have land dispute with the informant.

Learned counsel for the informant as well as learned APP for the State have though opposed the prayer for regular bail of these petitioners saying that the son of the informant is an eye witness to the alleged occurrence, considering the facts and circumstances of the case wherein altogether four persons have been named in the FIR, they are the brothers and cousin brothers of the informant and there is said to be a land dispute between the parties, the eye witness is said to be the son of the informant and there being no independent witness on the point, the petitioners have remained in jail in connection with this case since 23.12.2019, investigation against them is complete, the trial is not likely to be concluded in near future and it is not the submission of the State that their release is likely to result in tampering with the evidence or interfering with the course of trial, in the nature of the materials present before this Court, let



the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-II, Biharsharif, Nalanda in connection with S.Tr.No.152/2020 (Arising out of Manpur P.S. Case No.184/2019), 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 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 bond of the petitioners.



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.

(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'.

