

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11145 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

1. Kailash Yadav Son of Late Kolho Yadav, resident of village- Surangi, P.S.- Katoriya, District- Banka.
2. Dilip Yadav Son of Kailash Yadav, resident of village- Surangi, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Opposite Party/s : Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2021 In view of sudden resurgence of COVID–19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner’s Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Katoria P.S. Case No. 114 of 2020 registered for offence punishable under sections 147, 148, 149, 323, 306, 447, 307 & 302 of the Indian Penal Code.



Co-accused Basant Yadav was allegedly attempting to erect a hut on the informant's land. On objection being raised, along with other accused persons the petitioner has come with variously armed and brutally assaulted the informant's brother leading to his death.

The petitioner's counsel submits that the prosecution case clearly states that the dispute of erecting hut was with co-accused Basant Yadav. At best petitioners have allegedly aided and abetted him. There is no specific allegation of assault against the petitioners. The said Basant Yadav has been allowed bail in Cr. Misc. No. 35535 of 2020. The petitioners have no criminal antecedents. They are in custody since 16.09.2020 and 05.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named 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 learned Chief Judicial Magistrate, Banka in Katoria P.S. Case No. 114 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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