

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13335 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- BIHRA District- Saharsa

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1. KHOKHA YADAV SON OF LATE RAGHU YADAV R/o village- Bisanpur, P.S.- Bihra, District- Saharsa
 2. ARVIND YADAV S/O KHOKHA YADAV R/o village- Bisanpur, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners seek bail in a case registered for the offence punishable under Sections 302, 307, 324, 323, 379, 504, 506, 147, 148, 149 of the Indian Penal Code.

Prosecution case is that when the brother of the informant was coming to his house, in the way all the named accused persons including the petitioners surrounded him and took him their Darwaza and started assaulting with Farsa, Dabiya and iron rod due to which he became injured and in the way of hospital he died.

Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. He submits that petitioner no. 2 is order giver and petitioner no. 1 along with co-accused had caught hold the deceased and co-accused Gunay Yadav assaulted with Farsa to the deceased. He submits that postmortem report does not support the prosecution version as the injuries does not support the same. He submits that co-accused Amit yadav has also received injuries in the said occurrence although no counter case is filed against the prosecution party. He submits that petitioners are languishing in judicial custody since 16.06.2020.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihra P.S. Case No. 127 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He 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 and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated 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 proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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