

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26485 of 2021

Arising Out of PS. Case No.-605 Year-2020 Thana- BRAHMPUR District- Buxar

1. ASHOK YADAV S/o Gupteshwar Yadav R/o village- Karnamepur, P.S.- Shahpur, District- Bhojpur
2. Dilip Yadav S/o Gupteshwar Yadav R/o village- Karnamepur, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bal Mukund Pd Sinha, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-09-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, while the informant and other police officials proceeded to make raid against illegal wine trade, seven named accused persons including the petitioners and many other accused persons attacked and assaulted the police party by bamboo, bhalla, iron rod etc. Two accused persons were arrested on the spot who disclosed the name of the petitioners and other accused persons as their associates in the



alleged offence. One person succumbed to the injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioners' name has figured during course of investigation in confessional statement of co-accused. There is general and omnibus allegation of assault against all the accused persons and no specific overt has been alleged against the petitioners. It is also submitted that even the informant came to know about the involvement of the petitioners from the driver of the police vehicle. Petitioner no.1 has got clean antecedent, whereas petitioner no.2 is also accused in another case which was lodged in respect of the same occurrence. Petitioners are in custody since 17.11.2020.

Learned counsel appearing for the State opposes the prayer for bail.

In the facts of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in Brahmipur Nainijore Police Station Case No. 605 of 2020 on the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

