

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31354 of 2021**

Arising Out of PS. Case No.-145 Year-2019 Thana- AGIAON BAZAR District- Bhojpur

1. AJIT YADAV @ SARAL YADAV SON OF KRISHNA YADAV R/O VILLAGE- KHANANI KALA, P.S.- AGIAON BAZAR, DISTRICT- BHOJPUR.
2. VIKASH YADAV SON OF LATE NAND MOHAN YADAV R/O VILLAGE- KHANANI KALA, P.S.- AGIAON BAZAR, DISTRICT- BHOJPUR.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Agiaon Bazar P.S. Case No. 145 of 2019 registered for the offences punishable under Sections 323, 341, 504, 506, 307/34 of the I.P.C.

According to prosecution case, on 14.10.2019 at about 7:00 PM., the informant and his other family members were fishing in the pond. Meanwhile, Krishna Yadav came there and started abusing them. On protest made by the informant, the



petitioners along with other accused having armed with lathi, danda and gadasa came there and started assaulting the informant. It is further alleged that when son of the informant came to rescue, petitioner no. 1 assaulted him with gadasa on his head due to which he having sustained injury fell down. Thereafter, petitioner no. 2 assaulted the son of the informant by lathi causing injuries to him.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. Learned counsel further submits that present case is counter blast of Agiaon P.S. Case No. 148 of 2019. Learned counsel further submits that co-accused, namely, Krishna Yadav, Anil Yadav, Om Prakash Yadav, Awadh Bihari Yadav, Madan Yadav and Vidya Yadav have been granted bail by a co-ordinate Bench of this court vide order dated 05.02.2020 passed in Cr. Misc. No. 8104 of 2020. Petitioners are in custody since 01.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be



released 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 the learned Additional Chief Judicial Magistrate-XI, Bhopur, Arrah in connection with Agiaon Bazar P.S. Case No. 145 of 2019, subject to 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.

3. 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. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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