

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37177 of 2021

Arising Out of PS. Case No.-768 Year-2020 Thana- BANKA District- Banka

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1. Ganesh Yadav Son Of Beni Yadav Resident Of Village - Singhajore, P.S.- Banka, Distt.- Banka
 2. Beni Yadav Son Of Late Baldeo Yadav Resident Of Village - Singhajore, P.S.- Banka, Distt.- Banka

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjeet Kumar Das No.2, Advocate

For the Opposite Party : Mr.Abhay Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of regular bail in a case registered for the offence punishable under sections 302,34 and other ancillary sections of the Indian Penal Code and sections 3, 4 and 5 of the Explosive Substances Act.

As per the prosecution case, petitioners were engaged in making bomb which exploded and one accused person was killed in the blast while petitioner no.1 sustained injuries.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case at the instance of Parmeshwar Yadav. He submits that said Parmeshwar Yadav and other accused persons were inimical to



the petitioners due to land dispute and in past they had made several attempts to kill them. Meanwhile, in the midnight of 22.9.2020 they hurled bomb on the petitioners' side in which son of petitioner no.2 was killed and when the petitioners went to the police station for lodging of the FIR, Banka Police Station in collusion with the accused persons, did not lodge the case rather petitioners were made accused in the instant case. A complaint dated 16.6.2020 against said Parmeshwar Yadav and others had also been filed before the Court of CJM, Banka. Petitioners have claimed clean antecedent and they are in custody since 26.9.2020. Charge sheet has already been submitted.

Considering the facts and circumstances of the case let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Banka in Banka Police Station Case No. 768 of 2020 on the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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)

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