

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38585 of 2021

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

1. Bhikhari Yadav Son of Late Kanhai Yadav
 2. Rajendra Yadav Son of Bhikhari Yadav
- Both are 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.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners who are in custody since 14.03.2021 seeks
regular bail in connection with Katoriya P.S. Case No. 114 of
2020 (G.R. No.1632 of 2020) registered for offence punishable
under Sections 147, 148, 149, 323, 326, 447, 307 and 302 of the
IPC.

Co-accused Basant Yadav was allegedly attempting to
erect a hut on the informant's land. On objection being raised,
petitioner along with other accused persons brutally assaulted
the informant's brother as a result of which he died.

It has been submitted by learned counsel for the



petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No overt act is alleged against the petitioners. Specific allegation of assault is alleged against co-accused Ashok Yadav, Niraj Yadav and Sudin Yadav. Learned counsel for the petitioners further claim parity on the basis of order dated 07.07.2021 passed in Cr. Misc. No.1872 of 2021 by which Baleshwar Yadav has been released on bail , vide order dated 22.12.2020 passed in Cr. Misc. No.35535 of 2020 one Basant Yadav has been released on bail and vide order dated 07.07.2021 passed in Cr. Misc. No.11145 of 2021, two co-accused Kailash Yadav and Dilip Yadav have also been released on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioners be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S.



Case No. 114 of 2020 (G.R. No.1632 of 2020), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(Purnendu Singh, J)

Prakash Narayan /-

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