

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36291 of 2020**

Arising Out of PS. Case No.-108 Year-2019 Thana- BARHAT District- Jamui

1. Arbind Yadav @ Arvind Yadav, Son of Late Bishundeo Yadav, Resident Of Village - Barhat, Police Station - Barhat, District - Jamui
2. Rabindra Yadav @ Ravindra Yadav, Son of Late Bishundeo Yadav Resident of Village - Barhat, Police Station - Barhat, District - Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 07-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Barhat P.S. Case No. 108 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 504/506 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code has also been added.

The prosecution case in short is that the accused



persons came to the house of the informant and assaulted to his brother due to which he sustained injury. When the informant went for rescue, he was also assaulted by them.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegations against the petitioners are general and omnibus in nature, the main assailant of the case is Dwarika Yadav @ Katari Yadav. The petitioners have no criminal antecedent and they are in custody in connection with the present case since 17.05.2020.

Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners, however, accepted that so far as these two petitioners are concerned the allegations against them are general and omnibus in nature.

Having regard to the facts and circumstances of the case wherein it is not disputed by learned A.P.P. for the State that so far as these two petitioners are concerned, the allegations against them are general and omnibus in nature, the main assailant of the case is Dwarika Yadav @ Katari Yadav, the petitioners have otherwise no criminal antecedent, they are in custody in connection with the present case since 17.05.2020,



investigation against them is complete but the trial is not likely to take place in near future, the prayer of the bail of co-accused Mukesh Yadav and Karu Yadav have been allowed by a learned coordinate Bench of this Court in Cr. Misc. No. 22393 of 2020, considering these aspects of the matter, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Sri, M.K.Pandey, learned Judicial Magistrate 1st Class, Jamui in connection with Barhat P.S. Cases No. 108 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

