

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7793 of 2021**

Arising Out of PS. Case No.-23 Year-2020 Thana- CHANAN District- Lakhisarai

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1. KEDAR YADAV SON OF SRI RAMAWATAR YADAV R/O VILLAGE-MALIYA, P.S.- CHANAN, DIST.- LAKHISARAI
 2. BALO YADAV SON OF BHUNA YADAV R/O VILLAGE- MALIYA, P.S.- CHANAN, DIST.- LAKHISARAI
 3. LACHHO YADAV SON OF LATE KULDEEP YADAV R/O VILLAGE-MALIYA, P.S.- CHANAN, DIST.- LAKHISARAI

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate
	:	Mr. Bhola Kumar, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Narsingh Tanti, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-08-2021 Learned senior 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 senior counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Chanan P.S. Case No. 23 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

The prosecution story in brief is that on 25.03.2020, the bhagina (deceased) of the informant went to take newari from Gunsagar village along with some other persons on a tractor. The bhagina of the informant was driving the tractor and when they reached Maliya village the accused persons surrounded the tractor and pulled down the deceased and then accused Nitesh Kumar gave tangi blow on his head and other accused persons had assaulted him by rod and axe on legs and hands due to which he became unconscious. He died on the way to hospital.

Learned senior counsel for the petitioners submits that the allegations against these petitioners are that while one of them had pressed the left leg of the deceased, another petitioner (no. 2) was pressing the left hand of the deceased. It is alleged that petitioner no. 3 was holding the right leg of the deceased.

Learned senior counsel submits that as per the prosecution story co-accused Ramotar Yadav was pressing the right hand of the deceased. He has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 7354 of 2021. Learned counsel submits that it is a case of false implication of each and every member of the family. In course of investigation it has come that the deceased had developed

love affair with one of the daughters of petitioner no. 1 and he had entered into the house of the petitioner no. 1 during dead of night between 12-2 pm and when the family of the petitioner no. 1 suspected that some thief has entered into the house, the deceased started fleeing away and in the process he suffered injuries.

Learned senior counsel for the informant has opposed the prayer for bail of the petitioners. He has read out the statements made in paragraph '121' of the case diary in which the daughter of petitioner no. 1 has admitted that she was in love with the deceased and on the said night also they had a telephonic talk, she asked the deceased not to come to her house, still he entered in the house during 12-2 pm and thereafter family members having sensed that the thief has entered, chased him and then he was killed. She has not specifically disclosed the name of the petitioners as assailant.

Learned A.P.P. for the State has also opposed the prayer for bail of the petitioners, however, no distinction could be drawn between the case of these petitioners and that of Ramotar Yadav who has been granted privilege of bail.

Considering the facts and circumstances of the case wherein this Court has noticed from the materials on the record

that the allegations against these petitioners are that of pressing leg and hands of the deceased, however, co-accused similarly situated has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 7354 of 2021, these petitioners are in custody since 22.06.2020, investigation against them is complete but the trial is not likely to take place in near future, they have otherwise no criminal antecedent, in the circumstances, let the petitioners above named be released 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 learned Additional Chief Judicial Magistrate, 1st Lakhisarai in connection with Chanan P.S. Case No. 23 of 2020 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.