

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10467 of 2021**

Arising Out of PS. Case No.-146 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. SURENDRA YADAV @ SUNNI YADAV Son of Late Naresh Yadav
Resident of Village - Ramchandrapur, P.S.- Goradih, District - Bhagalpur
2. Manish Yadav Son of Surendra Yadav @ Sunni Yadav Resident of Village -
Ramchandrapur, P.S.- Goradih, District – Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 20-05-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Jagdishpur (Goradih) P.S. Case No. 146 of 2020 registered for the offences punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the fardbeyan of the informant, while his father was grazing cows, the FIR named accused persons including these petitioners came lashed with arms and surrounded the father of the informant. Thereafter Photo Yadav assaulted the father of the informant by iron rod in his



hand, Abhash Yadav assaulted on the chest of the father of the informant and Anil Yadav assaulted the father of the informant and the father of the informant succumbed to the injuries during treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the specific allegation of causing assault to the deceased is against the co-accused persons and not against these petitioners. The petitioners are in jail since 09.05.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioners that on bare perusal of the First Information Report it would appear that no overt act has been alleged against these two petitioners, there are specific allegations that it was the co-accused Photo Yadav who had ordered to kill the father of the informant and had himself given a blow by the iron rod in his hand, the co-accused Anil Yadav had assaulted by spear and another co-accused Abhash Yadav had assaulted by spear, there being no specific allegation against these petitioners, they have only been falsely implicated with the aid of Section 149 I.P.C., the prior enmity with Photo Yadav and the informant's father is evident from the FIR enclosed at Annexure '3'



which was lodged by Photo Yadav, it was the land dispute between the parties in which the present occurrence is said to have taken place, however, there is nothing in the FIR save and except name of the petitioners have been mentioned as accused who have assembled at the place of occurrence, in the nature of materials particularly the specific allegation of assault is against the co-accused and not against these petitioners, the petitioners have remained in custody for more than a year, this Court directs release of the petitioners on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 146 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

