

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3697 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- GWALPARA District- Madhepura

1. DHIRENDRA YADAV S/o Late Ganga Yadav Resident at Shyam, Ward No. 10, P.S.- Gwalpara, District- Madhepura.
2. Abrendra Yadav S/o- Dhirendra Yadav Resident at Shyam, Ward No. 10, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in a case registered for the offence under Sections 341, 323, 302, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant is said to have been killed by inflicting gun shot injury by the associates of the petitioners.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him rather the specific allegation of firing upon the brother of the informant is attributed to the co-accused, Sandeep Yadav and Robin Yadav. He further submits that the co-accused, Sandeep Kumar @ Prince Kumar, has already been granted bail by this Court vide order dated 08.12.2021 passed in Cr. Misc. No. 23518 of 2021 and the co-accused, namely, Harinandan Yadav @ Budhan Yadav has been granted anticipatory bail vide order dated 24.02.2022 passed in Cr. Misc. No. 48631 of 2021. The petitioners are rotting in judicial custody since 25.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gwalpara P.S. Case No. 114 of 2020 with the



following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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