

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5866 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- DHURAIYA District- Banka

1. ASHOK YADAV SON OF KISUNDEO YADAV @ KISANDEO YADAV
RESIDENT OF VILLAGE- TITIMANGAR, POLICE STATION-
DHORAIYA, DISTRICT- BANKA
2. BHADDI YADAV @ BINOD YADAV SON OF BALDEO YADAV
RESIDENT OF VILLAGE- TITIMANGAR, POLICE STATION-
DHORAIYA, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioners and the

State.

Petitioners seek regular bail in a case registered for
the offence punishable under Sections 307, 436 and other allied
sections of the Indian Penal Code.

Allegedly, both petitioners and co-accused 20 in
number entered into the house of the informant and assaulted
the father of the informant and others by means of **farsa**. During
course of occurrence petitioner no.2 set the informant's house on
fire which resulted into loss of Rs 2.5 lakh on account of
burning of several house hold articles of informant.

The main submissions advanced by the learned
counsel for the petitioners are that there is no specific allegation



against petitioner no.1 and both the petitioners have been languishing in jail since 01.12.2021 and the alleged burnt place which is stated to be house of the informant does not come under purview of dwelling house and alleged act of the petitioners simply attract section 435 IPC which is bailable offence and in the present case, the injured persons sustained simple injury as per injury report of which copy has been annexed with this petition. Further submission is that six accused persons have been granted anticipatory bail by a coordinate bench of this court vide order passed in Cr. Misc. no.47322/2021.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR. There is no specific allegation against petitioner no.1 and his case is similar to some co-accused persons who have been granted anticipatory bail by this Court as referred above. Accordingly, let the petitioner no.1, namely, Ashok Yadav, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Dhoraiya P. S. Case No. 86 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

So far as prayer for bail of petitioner no.2 is concerned, against him there is specific allegation of having set the house of informant on fire and the alleged act of the petitioner attracts section 436 IPC which is a serious offence and as per FIR informant suffered a heavy loss due to alleged occurrence of fire. Accordingly, prayer for bail of petitioner no.2, namely, Bhaddi Yadav @ Binod Yadav stands rejected. He may renew his prayer for bail after framing of the charge, if it has not been done till now.

(Shailendra Singh, J)

s.hassan/-

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