

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14214 of 2022

Arising Out of PS. Case No.-630 Year-2020 Thana- BANKA District- Banka

1. PALTU YADAV Son of Saryu Yadav Resident of Village - Kushaha, P.s.- Banka, Distt.- Banka.
2. Mantu Yadav Son of Mohan Yadav Resident of Village - Kushaha, P.s.- Banka, Distt.- Banka.
3. Sildhar Yadav Son Shrawan Yadav Resident of Village - Kushaha, P.s.- Banka, Distt.- 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.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners seeks regular bail in connection with
Banka P.S. Case No. 630 of 2020 registered for offences
punishable under Sections 147, 148, 149, 323, 307, 302 of the
Indian Penal Code and Section 3/4 of the Explosive Act.

Prosecution story in brief is that on 01.08.2020, the
accused persons named in the FIR including the present
petitioners armed with *lathi*, *danda*, rod, pistol and bomb
forcibly tried to cultivate the field of the informant which was



restrained by the informant and his brother had restrained the accused persons who for the said reason had assaulted them in which one Sanjay Yadav succumbed to injury. The seizure list was prepared on the spot in which the recovery of bomb and certain other materials required in manufacturing of bomb have been shown.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against the petitioners. The specific allegation of assault is against Ramesh Yadav, Dinesh Yadav and Yogendra Yadav. No specific overt act has been alleged against the petitioners. Petitioners are in custody since 24.01.2022 and have no criminal antecedent. He further submits that similarly situated accused person namely, Ramfu Yadav has already been released on bail by a co-ordinate Bench of this Court vide order dated 18.01.2022 passed in Criminal Miscellaneous No. 30097 of 2021 and Birendra Yadav, Surendra Yadav and Chhedi Lal Yadav have been released on bail by a co-ordinate Bench of this Court vide order dated 05.04.2021 passed in Criminal Miscellaneous No. 931 of 2021. Petitioner claims parity to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.



Having perused the FIR it appears that direct allegation of assault is against Ramesh Yadav, Dinesh Yadav and Yogendra Yadav, at the best, petitioners can be considered to be one of the members of the mob, similarly situated co-accused persons have already been released on bail by a co-ordinate Bench of this Court, petitioner has remained in custody since 24.01.2022. Prima facie it appears that petitioners have made out a case to be released on bail.

The Court below is directed to release the petitioners, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Banka in connection with Banka P.S. Case No. 630 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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



(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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