

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15088 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

Vindhyachal Yadav @ Vindhyachal Singh Yadav S/o Chaturi Singh Yadav R/o
village- Badgaun Kala, P.S.- Adhaoura, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15220 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

Rajesh Singh Yadav Son of Chaturi Singh Resident of Village - Badgaun
Kala, P.S.- Adhaoura, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15088 of 2022)

For the Petitioner/s : Mr. Shambhu Nath

For the Opposite Party/s : Mr. Nitya Nand Tiwary

(In CRIMINAL MISCELLANEOUS No. 15220 of 2022)

For the Petitioner/s : Mr. Shambhu Nath

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Adhaoura P.S. Case No. 08 of 2020, registered for the

offences punishable under Sections 147, 148, 149, 302 and

379 of the Indian Penal Code.



As per allegation, when the informant came to the field to serve food to her husband, she saw that he is dead. She further alleged that her husband was killed by the accused persons with whom there was previous land dispute.

The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that even as per FIR, there is no eye witness and only suspicion has been raised by the informant against the accused petitioners. Even in the case diary, there is no connecting evidence found against the petitioners. He also submits that all four charge-sheet witnesses have been examined in the Trial, but none of them have supported the prosecution case. He further submits that the petitioners have been languishing in jail since 02.11.2021.

Learned APP for State fairly concedes that there is no connecting material in the case diary against the petitioners and even from perusal of the evidence recorded by the Trial Court, it is clear that they are not supportive of the prosecution case.



It is also stated in paragraph no. 2 of the petition that the petitioners have moved earlier before this Court for grant of anticipatory bail vide Cr. Misc. No. 36055 of 2021.

It has further been stated in paragraph 3 of the petition, that the petitioners have been made accused in two other cases, namely, (i) Adhaoura P.S. Case No. 25 of 2011 and (ii) Adhaoura P.S. Case No. 40 of 2014.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-XI, Kaimur at Bhabua in connection with Adhaoura P.S. Case No. 08 of 2020 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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