

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28557 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- ISMAILPUR District- Bhagalpur

1. CHANDRAKISHORE YADAV Son of Late Buchchi Yadav Resident of Village- Kamla Kund, P.S.- Ismilapur, District- Bhagalpur.
2. Suman Kumar Son of Chandra Kishore Yadav Resident of Village- Kamla Kund, P.S.- Ismilapur, District- Bhagalpur.
3. Rakesh Yadav Son of Chandra Kishore Yadav Resident of Village- Kamla Kund, P.S.- Ismilapur, District- Bhagalpur.
4. Karelal Yadav Son of Chandra Kishore Yadav Resident of Village- Kamla Kund, P.S.- Ismilapur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 30-03-2022 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.

Petitioners, who are in custody since 01.12.2020, seek regular bail in connection with Ismailpur P.S. Case No. 101 of 2020 dated 25.11.2020 registered for offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that in course of gang war between two criminal gangs, several persons had sustained injury in course of cross firing on 24.11.2020 at village-



Ismailpur Diyara.

Learned counsel appearing on behalf of the petitioner nos. 1 and 3 submits that the allegation of assault has been alleged against to have been committed by means of axe and fire-arm which had caused injury to Chandra Kishore Yadav, Suman Kumar and Rakesh Yadav. However, injury sustained by them is simple in nature. So far as petitioner nos. 2 and 4 are concerned, no overt act has been alleged against them.

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

Considering the direct allegation of assault to have been committed by the petitioner nos. 1 and 3 by means of axe and fire-arm, I am not inclined to enlarge the petitioner nos. 1 and 3 on bail at this stage.

So far as petitioner nos. 2 and 4 are concerned, no overt act has been attributed to them. There is general and omnibus allegation against them that they were members of the mob. Prima facie petitioner nos. 2 and 4 have made out a case to be enlarged on bail.

The Court below is directed to enlarge the petitioner nos. 2 and 4 namely, Suman Kumar and Karelal Yadav, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia in the District- Bhagalpur in connection with Ismailpur P.S. Case No. 101 of 2020 dated 25.11.2020 subject to the following conditions:

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

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

(iii) If the petitioners tamper 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 petitioners.

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

With above observation, the present bail application is disposed of.

(Purnendu Singh, J)

Niraj/-

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