

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21865 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- SIRDALA District- Nawada

1. Ram Bali Yadav Son of Late Somar Yadav Resident of Village - Nawadih Jamuniya , P.s.- Sirdala, Distt.- Nawada.
2. Pradip Yadav Son of Sri Ram Bali Yadav Resident of Village - Nawadih Jamuniya , P.s.- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22305 of 2022

Arising Out of PS. Case No.-375 Year-2021 Thana- SIRDALA District- Nawada

Dipak Yadav Son of Sri Ram Bali Yadav Resident of village - Nawadih Jamuniya, P.S.- Sirdala, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21865 of 2022)

For the Petitioner/s : Mr. Jitendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 22305 of 2022)

For the Petitioner/s : Mr. Jitendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 31-08-2022 This case and Cr. Misc. Case No. 22305 of 2022, both arising out of same Police Station i.e. Sirdala P.S. Case No. 375 of 2021. Therefore, both have been heard together and being disposed off by this common order.

Let the defects, as pointed out by the Office, be removed within a period of two weeks from today.

Heard learned counsel for the petitioners and learned

APP for the state.

Petitioners seek regular bail in connection with Sirdala P.S. Case No. 375 of 2021 lodged under Sections 341, 323, 307 & 302/34 of the Indian Penal Code.

As per the prosecution, informant alleged that there is a dispute took place between the deceased and Ram Bali Yadav relating to pipeline of boring. After lapse of 6 days it has been alleged that the brother of the informant was running the motor then all of a sudden 7 named accused persons including the petitioners reached there and started assaulting the brother of the informant. It has been alleged that by the assault of Dipak Yadav injury took place on the head of the deceased and bleeding started, thereafter allegation was made on accused Pradip Yadav to assault the brother of the informant. However, allegation is upon Ram Bali Yadav of attack by *Lathi* upon the *Bhabhi* of the informant. In this scuffling, the brother of the informant died.

Learned counsel for the petitioners submits that both informant and petitioners are resident of same village. They are relatives but due to irrigation, the dispute took place between them which resulted into the scuffling between both the parties. He further submits that petitioners are in custody since 17.08.2021, chargesheet has already been filed in this case and petitioners having clean antecedent. Learned counsel for the

petitioners further submits that they are ready to support in the trial and shall appear on day to day basis and also ready to fulfill all the conditions whatsoever, shall be imposed upon them.

Learned counsel for the State opposes the prayer for bail.

In both the cases learned counsel for the informant has appeared suo motu and filed Vakalatnama and submits that death was caused due to assault of Dipak Yadav and therefore his bail should be rejected.

Upon query both the parties are not in a position to ascertain the Court whether charge has been framed in this case or not. In the circumstances, I am not inclined to grant bail to the petitioners namely Pradip Yadav and Dipak Yadav at present, accordingly the bail petition of said petitioners is hereby rejected but it is hereby directed to the Trial Court to release the petitioners on bail after framing of charge on its own condition. It is also directed to Court below that the trial of this case be concluded as earliest as possible and preferable within one year.

Considering the age of petitioner namely Ram Bali Yadav, aged about 66 years, be directed to release on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Nawada in

connection with Sirdala P.S. Case No. 375 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--